



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 05/16/2024	
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: Chapters 38 and	Year: 2021
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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: 1	Chapter Name: Driver's Licenses and Motor Vehicle Safety	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> 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:

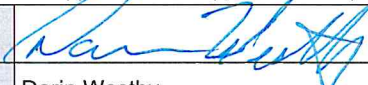
5. Checklist

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	Director
Date of Signature	05/16/2024

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 VEHICLES AND LICENSING SECTION

CHAPTER 1, DRIVER'S LICENSES AND MOTOR VEHICLE SAFETY

Chapter 1, Driver's Licenses and Motor Vehicle Safety, 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. 24-2-105, W.S. 31-4-103, W.S. 31-7-103, W.S. 31-7-305, W.S. 31-7-310, W.S. 31-7-401, W.S. 31-7-501, W.S. 31-8-101, W.S. 31-8-203, and W.S. 31-9-103. These rules administer various matters relating to driver's licenses and commercial driver's licenses (CDL) in compliance with Federal Motor Carrier Safety Regulations in Title 49 of the Code of Federal Regulations (C.F.R.).

This revised rule and regulation applies legislative changes from the 2021, 2022, and 2023 Wyoming Legislature to comply with current statutes. Changes for 2021 pertain to updating visual acuity requirements (HB0020, codified as Chapter 38, *Session Laws of Wyoming*, 2021) and eliminating provisions formerly administering motor vehicle accident prevention courses for insurance premium reductions to comply with SF0112, codified as Chapter 138, *Session Laws of Wyoming*, 2021. Legislative changes for the 2022 session relate to provisions for commercial vehicle license disqualification for human trafficking convictions as required by HB0007, codified at Chapter 45, *Session Laws of Wyoming*, 2022. Changes for 2023 pertain to updating the photograph quality requirements for licenses and identification cards (SF0020, codified as Chapter 35, *Session Laws of Wyoming*, 2023).

For commercial driver's licenses, the "T" restriction has been eliminated and "O" restriction modified to comply with 49 C.F.R. 383 and 384. These changes respond to a corrective action required by a Federal Motor Carrier Safety Administration audit.

Other changes have been made to conform these rules to the Secretary of State's required format and improve readability.

COMMENT SUMMARY
CHAPTER 1
DRIVER’S LICENSES AND MOTOR VEHICLE SAFETY
MOTOR VEHICLES AND LICENSING SECTION

The Wyoming Department of Transportation (WYDOT) received one public comment for Chapter 1, Driver’s Licenses and Motor Vehicle Safety, from the *Wyoming Department of Transportation Rules and Regulations* Motor Vehicles and Licensing Section. The public comment period occurred from March 7, 2024, to April 29, 2024

SECTION 16: GROUNDS FOR DISQUALIFICATION, DENIAL, DOWNGRADE, OR CANCELLATION

Comment: Intoxalco requests clarification as to the intent of Section 16(d) and Section 16(e) regarding the possible extension of an individual’s ignition interlock requirement to meet a compliance threshold for reinstatement. The commenter also states they are supportive if the intent of the rule is to extend the use of an ignition interlock to meet reinstatement requirements. Finally, the commenter requests clarification of Section 16(d)(ii)(A) regarding what the consequences are should an individual’s new license be denied due to violating ignition interlock requirements, specifically if the individual would lose all driving privileges or if they would be allowed to maintain their restricted ignition interlock license.

Response: Regarding clarification of Section 16(d) and (e), WYDOT cannot speak to legislative intent and sees the intent of Section 16(d) and (e) as speaking for itself. A driver must adhere to Section 16(e) to reinstate their license or non-resident operating privileges, which includes the option, per Section 16(e)(i)(B), to show proof of substantial compliance with an interlock restricted license (per W.S. 31-7-401 through W.S. 31-7-404) to achieve reinstatement. Per Section 16(e)(iii), individuals whose license is revoked for reasons other than Section 16(b), Denials and Cancellations, and Section 16(c), Downgrades, must undergo an investigation, per Section 16(d), to reinstate their license. The ignition interlock requirement would extend until the driver complied with Section 16 (d)(ii)(C).

Regarding Section 16(d)(ii)(A), the consequences are as stated that an individual applying for reinstatement may be denied issuance of a new driver’s license (without the interlock restriction) if WYDOT investigation reveals any documented incidents in the interlock data log or convictions violating revocation, disqualification, or ignition interlock requirements and restrictions within the six months immediately preceding the scheduled investigation. This would not result in the loss of all driving privileges.

Recommendation: Transportation Commission adoption of Chapter 1, Driver’s Licenses and Motor Vehicle Safety.

Chapter 1

Driver's Licenses and Motor Vehicle Safety

Section 1. Authority. These rules of practice and procedure are promulgated by authority of W.S. 24-2-105, W.S. 31-4-103, W.S. 31-7-103, W.S. 31-7-305, W.S. 31-7-310, W.S. 31-7-401, W.S. 31-7-501, W.S. 31-8-101, W.S. 31-8-203, and W.S. 31-9-103.

Section 2. Purpose.

(a) **Statutory Interpretations.** These rules provide uniform, understandable interpretations of the undefined portions of the following:

- (i) W.S. 31-7-101 through W.S. 31-7-502, Driver's License Act;
- (ii) W.S. 6-3-615, Use of false identity, citizenship or resident alien documents, penalty;
- (iii) W.S. 31-9-101 through W.S. 31-9-415, Motor Vehicle Safety-Responsibility Act; and
- (iv) W.S. 31-4-103, Failure to maintain liability coverage; penalties; exceptions.

(b) **Implementation.** These rules also implement, as currently amended, the following:

- (i) W.S. 31-7-310, Rulemaking authority;
- (ii) Title 6 Code of Federal Regulations (C.F.R.) Part 37, Real ID driver's licenses and identification cards; and
- (iii) Title 49 C.F.R. Subchapter B, Federal Motor Carrier Safety Regulations, Parts 383, 384, and 390.

(c) **Applications and Examinations Guidance.** These rules also provide guidance regarding applications and examinations for obtaining the following:

- (i) Driver's licenses, commercial driver's licenses, and temporary and instructional permits;
- (ii) Extensions or expirations of valid driver's licenses;
- (iii) Grounds for cancellation or denial of licenses and permits;
- (iv) Grounds for disqualification, downgrade, and suspension;

- (v) Notices of intent to disqualify, suspend, deny, cancel, or revoke; and
- (vi) Procedures for providing hearings.

Section 3. Definitions. All definitions as set forth in W.S. 31-7-102 apply to these rules. As used in these rules and regulations, the following terms have the following meanings:

(a) “24/7 restricted driver’s license” means a restricted driver’s license issued by the Department pursuant to W.S. 31-7-501 through W.S. 31-7-502 and these rules.

(b) “Birth certificate” means an individual’s birth record that is permanently stored, electronically or physically, at the State Office of Vital Statistics or equivalent agency in a registrant’s state of birth.

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

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

(ii) A reproduction of an original official document on file at a government agency that bears the following:

(A) Custodian certification that the document on file is valid;

(B) The certifying individual’s original signature; and

(C) The office seal (if applicable).

(d) “Commercial driver’s license (CDL) downgrade” means:

(i) A driver’s state-allowed change of their self-certification to **interstate only** while operating exclusively in transportation or operation excepted in Section 6 of these rules;

(ii) A driver’s state-allowed change of their self-certification to **intrastate only** while operating exclusively in transportation or operation excepted in Section 6 of these rules; or

(iii) The state’s removal of the CDL privilege from a driver’s license.

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

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

(g) “Domicile” as referred to in W.S. 31-7-117(c), means the residence of a parent or guardian with legal custody who signs an affidavit of extreme inconvenience.

(h) “Driver’s license record” may include one or more of the following:

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

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

(iii) “Medical record” means a medical or visual evaluation or federal medical examiners certificate held by the Department as required by law.

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

(j) “Federal Motor Carrier Safety Regulations (FMCSR)” means Title 49 C.F.R. Parts 383, 390 through 397, and 399.

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

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

(m) “Investigation” means:

(i) A review of medical or vision information submitted by a qualified medical professional to evaluate an individual’s ability to maintain ordinary and reasonable control of a motor vehicle based upon examination results. This review may also involve evaluating an individual’s character and habits.

(ii) “Fraud investigation” means a formal evaluation or inquiry of the following:

(A) Information from any driver’s license or ID applications;

(B) Identifying documents;

(C) Digital images, signatures, or driving records;

(D) Other information a trained examiner receives to determine authenticity, lawful status, or violations of state or federal laws and regulations; or

(E) Activities performed by Department employees while working that violate Department rules or state or federal law.

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

(o) “Moving violation” means a motor vehicle driver’s act of control or lack of control while the vehicle is moving that results in a conviction, including a conviction for violating a driver’s license restriction.

(p) “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.

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

(r) “Proof of identity document” or “legal identity document” means as defined in Title 6 C.F.R. Part 37.11(c) and W.S. 31-7-111, as currently amended.

(s) “Regular job” as referred to in W.S. 31-7-117(c), means any employment requiring a minimum 10-hour workweek.

(t) “Restrictions” means the following restrictions that may be placed and imposed on a driver’s license, commercial driver’s license (CDL), commercial learner’s permit (CLP), or permit in an encoded form (see **Driver’s License Restriction Codes Table**).

Driver's License Restriction Codes Table

<i>Licenses Issued On or After January 1, 2014</i>		<i>Licenses Issued On or After July 1, 2024</i>	
Encoded Form	Restriction Name	Encoded Form	Restriction Name
A	Automatic Transmission	A	Automatic Transmission
B	Corrective Lenses	B	Corrective Lenses
C	Mechanical Aids (such as special brakes, hand controls, or other adaptive devices)	C	Mechanical Aids (such as special brakes, hand controls, or other adaptive devices)
D	Prosthetic Aid	D	Prosthetic Aid
E	No Manual Transmission (CDL only)	E	No Manual Transmission (CDL only)
G	Daylight Driving Only	G	Daylight Driving Only
I	Limited Others (contact the Department for details about this restriction)	I	Limited Others (contact the Department for details about this restriction)
J	Valid without Photo and/or Signature	J	Valid without Photo and/or Signature
K	CDL Intrastate Only	K	Intrastate Only (CDL/CLP only)
L	Vehicles without Air Brakes (CDL only)	L	Vehicles without Air Brakes (CDL/CLP only)
M	Except Class A Bus (CDL only)	M	Except Class A Bus (CDL only)
N	Except Class A and B Bus (CDL only)	N	Except Class A and B Bus (CDL only)
O	No Tractor-Trailer Fifth Wheel Coupler (CDL only)	O	No Tractor-Trailer Commercial Motor Vehicle (CDL only)
P	No Passenger (CLP only)	P	No Passenger (CLP only)

Driver's License Restriction Codes Table (continued)

<i>Licenses Issued On or After January 1, 2014</i>		<i>Licenses Issued On or After July 1, 2024</i>	
Encoded Form	Restriction Name	Encoded Form	Restriction Name
R	Class M Only - Four-Wheel Recreation Vehicles Only	R	Class M Only - Four-Wheel Recreation Vehicles Only
T	Except Tractor-Trailer (CDL only)		
V	Must have Variance Letter or Skill Performance Evaluation (SPE) Certificate in Possession	V	Must have Variance Letter or SPE Certificate in Possession (CDL/CLP only)
X	No Cargo in Tank (CLP only)	X	No Cargo in Tank (CLP only)
Z	No Full Air Brake System (CDL only)	Z	No Full Air Brake System (CDL only)

(i) A CDL/CLP applicant who is at least 18 years old but not yet 21 years old shall have the CDL/CLP Intrastate Only (K) restriction imposed, except while operating under an FMCSR exemption.

(ii) A CDL applicant who is applying for a hazardous materials endorsement (HME) shall pass all required knowledge tests and comply with Transportation Security Administration requirements in 49 CFR Part 1572. If the HME applicant is at least 18 years old but not yet 21 years old, the CDL shall have the Intrastate Only (K) restriction imposed, except while operating under an FMCSR exemption.

(iii) A CDL/CLP applicant who has a medical or visual condition, as defined in FMCSR, that normally prohibits them from operating a commercial vehicle on the interstate shall operate a commercial vehicle with a CDL/CLP Intrastate Only (K) restriction unless the driver possesses a medical waiver issued by the Federal Motor Carrier Safety Administration (FMCSA).

(iv) An applicant who passes the CDL skills test with a truck or truck-tractor pulling a trailer or semi-trailer with a pintle hook or other non-fifth wheel connection shall have a No Tractor-Trailer Commercial Motor Vehicle (O) restriction imposed.

(v) An applicant who passes the CDL skills test using a combination vehicle that is **not** a truck-tractor semi-trailer combination, but is otherwise equipped with a fifth wheel, shall have a No Tractor-Trailer Commercial Motor Vehicle (O) restriction imposed.

(vi) An applicant who has applied for a CLP and passed a written examination

for a Tank Endorsement (N) shall have a No Cargo in Tank (CLP only) (X) restriction imposed.

(vii) An applicant who has applied for a CLP and passed a written examination for a Passenger Endorsement (P) shall have a No Passenger (CLP only) (P) restriction imposed.

(u) “School” as referred to in W.S. 31-7-117(c), means a primary place of education where an individual attends regularly scheduled classes, excluding places where only extracurricular activities take place.

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

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

(x) “Third-party examiner” means a third-party tester’s payroll or volunteer employee whom the Department certifies to administer approved driver’s license skills tests.

(y) “Third-party tester” means any government entity, association, educational institution, or business entity engaged in using commercial motor vehicles that the Department certifies to administer approved driver’s license skills tests.

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

Section 4. Applications for Licenses, Permits, and Identification Cards (IDs).

(a) Proof of Identity.

(i) Applicants shall present proof of identity or legal identification documentation with each application and complete a Department-provided application.

(ii) Applicants without proof of identity or legal identification documentation, as defined in Section 3(r) of these rules, may present alternative documentation that the Department’s Driver Services Program manager shall approve before license, permit, or ID issuance.

(iii) If a trained examiner suspects a fraudulent proof of identity or legal identification document, the examiner shall seize the document, provide a receipt for the seized document (whenever possible), and contact local law enforcement.

(iv) If law enforcement refuses to receive the seized material, the examiner shall send the document to the Driver Services Fraud Unit for review. The Fraud Unit shall hold

the document while determining authenticity.

(A) If the document is authentic, and the person who presented the document possesses it legally, then the Fraud Unit shall return the document.

(B) If the document is false, or the person who presented the document does not possess it legally, then the Fraud Unit shall retain the document.

(b) Additional Identifying Information.

(i) In addition to the information specifically requested on the application, as called for by statute, applicants shall provide additional identifying information including natural eye and hair color as well as status of United States citizenship.

(ii) Applicants who are not United States citizens shall provide proof of “lawful status” or “temporary lawful status” in the United States, as defined in Title 6 C.F.R. Part 37.3.

(c) Medical History.

(i) Applicants shall answer medical history questions (covering the previous two years) as requested on the application.

(ii) Applicants answering affirmatively to any of the medical questions or listing any physical or mental disabilities may be required to have a qualified medical professional complete the Department-provided medical form.

(d) Social Security Number.

(i) All applicants for driver’s licenses, instruction permits, or IDs shall provide their social security number to the Department.

(ii) Non-commercial driver’s license or instruction permit applicants who do not have a social security number shall submit a sworn affidavit under penalty of perjury stating they do not have a social security number.

(iii) Commercial driver’s license (CDL) applicants who have a conscientious objection to disclosing their social security number may be issued a pseudo-number upon submitting a written request to the Department stating the basis for objection.

(e) CDL Applicants.

(i) All CDL applicants shall certify the type of driving they can perform and shall self-declare if they are exempt or non-exempt when applying.

(ii) Non-exempt applicants shall present a valid federal medical examiner’s

certificate from a qualified national registry doctor to the examiner.

(A) Applicants with expired federal medical examiner's certificates shall provide the Department with a new, valid federal medical examiner's certificate or, if no longer medically qualified or exempt, submit a new self-certification or have their commercial driving privilege removed from their driver's license.

(B) If an applicant does not comply with preceding (ii)(A), the Department shall downgrade the license to a non-commercial class license.

(C) An applicant with a valid federal medical examiner's certificate with a medical waiver shall present a letter or skill performance evaluation certificate upon application or renewal.

(iii) If an applicant has an exempt status, the applicant shall present a document showing they are operating under an exemption as allowed in Title 49 C.F.R. Parts 390.3(f), 391.2, 391.68, or 398.3.

(iv) CDL applicants who request to waive the knowledge test, skills test, or both under the Federal Motor Carrier Safety Regulations may be excused from one or more required tests if the Department can verify the applicant's qualifications. Applicants shall submit the appropriate waiver request for Department review.

(f) Expiration. Driver's licenses issued to applicants under the age of 21 shall expire on the applicant's twenty-first birthday except when the following occurs:

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

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

(g) Screening. 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 license issuance.

(h) Immigrant Licenses and IDs.

(i) Licenses or IDs issued to immigrants without permanent 10-year resident status shall be temporary credentials valid only for the period authorized on the documents presented to and verified by the Department.

(ii) Credentials issued to temporary immigrants shall be identified with a suffix code of NR (non-resident) in the license's class field (for driver's licenses only), and/or "LIMITED TERM" shall be printed across the top of the credential.

Section 5. Name Changes. Name changes for adoptions, marital status changes, or other legal proceedings may be made when applying for any service.

(a) **Name Changes for Legal Proceedings.** Applicants shall present an original copy of the official document authorizing the name change (such as a marriage certificate, divorce decree, or court order) to the examiner upon application.

(b) **Name Change Requirements.** Name changes not authorized in legal proceedings may be granted if the name is not used for fraudulent purposes, does not infringe on the interests or rights of others, is not prohibited by any judicial or administrative adjudication, and is otherwise legal.

(c) **Affidavit of Name Change.**

(i) Applicants shall complete the Department's Affidavit of Name Change form, sign the affidavit in a trained examiner's presence, and provide a certified copy of their proof of identity document.

(ii) The affidavit described in subsection (c) shall include:

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

(B) The applicant's full first, middle, and last names as changed;

(C) The applicant's date and place of birth;

(D) The applicant's present mailing address and residential address (if different from the mailing address);

(E) The applicant's natural or adoptive mother's full name, including both married and maiden name (if applicable);

(F) The applicant's natural or adoptive father's full name, including both married and maiden name (if applicable);

(G) Any other names the applicant used during the preceding 10 years. The affidavit shall also list the dates and places (by state, county, and city) where each name was used;

(H) Each address where the applicant has resided during the last 10 years and the duration the applicant resided at each location;

(I) The applicant's current job title, employer, employer address, and physical work site address or location as well as all previous job titles and employers from the preceding 10 years, including each employer's address and physical work site address or

location;

(J) The applicant's certification that the requested name change and use of such name on any license or identification card (ID) issued by the Department, in whole or in part, meets the provisions provided in subsection (b) of this section; and

(K) The applicant's certification of understanding that it is unlawful to use a false or fictitious name on any application or affidavit and that any Department-issued license or ID shall be canceled for failing to give the required or correct information.

Section 6. Commercial Driver's License (CDL) Exemptions. Pursuant to W.S. 31-7-303, the following drivers are exempt from the general requirement under W.S. 31-7-106(a) to obtain a CDL:

(a) **Farmers and Ranchers.** Farmers and ranchers, including their employees and family members, are exempt when operating farm or ranch vehicles that are:

(i) Used to transport agricultural products, farm machinery, or farm supplies to or from a farm or ranch;

(ii) Not used in common contract motor carrier operations;

(iii) Used anywhere within the state if registered in Wyoming as a farm vehicle; and

(iv) Used within 150 air miles of a farm or ranch if travelling across state lines.

(b) **Firefighters and Other Emergency Response Personnel.** Emergency response personnel are exempt when operating commercial motor vehicles (such as fire trucks, hook and ladder trucks, foam or water transport trucks, police SWAT team vehicles, ambulances, or other vehicles used for emergency response) that are:

(i) Necessary to preserve life or property or execute emergency governmental functions;

(ii) Equipped with audible and visual signals; and

(iii) Not subject to normal traffic regulation.

(c) **Snow and Ice Removal Drivers.** Drivers whom eligible units of local government employ to operate commercial motor vehicles within locality boundaries to remove snow or ice from roadways by plowing or salting are exempt 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 an ice emergency exists and additional assistance is required.

(d) **Military Personnel.** Military personnel who operate commercial motor vehicles for military purposes are exempt and include the following:

(i) Active duty military members;

(ii) Military reserve members;

(iii) Active duty National Guard members, including full-time duty or part-time training personnel as well as military technicians (civilians required to wear military uniforms); and

(iv) Active duty U.S. Coast Guard personnel.

(e) **Other Drivers.** Drivers not listed in subsections (a) through (d) who operate a vehicle or vehicle combination having a gross vehicle weight rating of 39,001 pounds or more shall obtain a non-commercial Class C license with a (Z) endorsement.

Section 7. Renewal-by-Mail Applications.

(a) **Exceptions.**

(i) An application or a renewal-by-mail notice may be sent to a Wyoming resident who is temporarily out of state.

(ii) Renewal-by-mail notices shall be sent to eligible licensees unless one or more of the following provisions apply:

(A) The applicant's license, operating privilege, or both has (or have) been canceled, revoked, denied, or disqualified in the five years immediately preceding the license expiration date;

(B) The applicant holds:

(I) A J-restricted (Valid without Photo and/or Signature) license, as provided in Section 8 of these rules;

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

(III) A CDL and does not have a valid federal medical examiner's certificate as required by W.S. 31-7-304(f).

(C) The applicant is licensed as a temporary immigrant; or

(D) The applicant legally changed their name since the last license issuance.

(b) **Military Personnel Applications.** 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) Active duty military personnel applying in person for renewal of their Wyoming driver's license who present an expired license, not expired more than five 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 expiration waived when accompanied by an active duty military identification card (ID) for an imposed I-restricted (Limited Others) license, the licensee shall 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.

(iv) Renewal applications for active duty military personnel or their dependents, whether received in person or by mail, shall have the active duty status verified electronically by the Department.

(v) Renewal-by-mail applications the Department receives from active duty military personnel or their dependents, whether postmarked before or after the license expiration date, 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.

(vi) Renewal-by-mail applications the Department receives from active duty military personnel or their dependents shall be accompanied by an updated digital photograph of the applicant if the last photograph on file with the Department is more than 10 years old.

(vii) If an applicant or a dependent no longer qualifies as active duty military and is applying in person or by mail for renewal of their Wyoming driver's license that was issued previously with an out-of-state address, the applicant shall present two documents with a valid physical Wyoming address, in accordance with W.S. 31-7-111(a), dated within 45 days of the application date.

(c) **Expired Renewal-by-Mail Applications.**

(i) Unless received from active duty military personnel or their dependents, renewal-by-mail applications the Department receives more than 30 days after the license expiration date shall be denied and returned with the applicant's enclosed fee.

(ii) Unless presented by active duty military personnel, any renewal-by-mail

application presented in person to a driver's license examiner after the license expiration date shall be denied, and the applicant shall be processed as a first-time applicant and charged the required fee.

Section 8. Photograph and Signature Requirements for Driver's Licenses and Identification Cards (IDs).

(a) Wyoming REAL ID. To be accepted by a Federal agency for official purposes, Wyoming REAL ID driver's licenses and IDs shall include the cardholder's signature and full facial digital photograph on the front of the card. Photograph and signature standards shall comply with Title 6 C.F.R. Part 37.17 and the American Association of Motor Vehicle Administrators (AAMVA) standards.

(i) Photograph. The photograph shall exhibit a full facial frontal pose with both eyes visible and shall be taken pursuant to the following standards:

(A) The photograph may be in black and white or in color.

(B) Lighting shall be equally distributed on the face.

(C) The face from crown to the base of the chin and from ear to ear shall be clearly visible and free from shadows.

(D) Veils, scarves, or headdresses shall not be permitted unless a person requests and is granted an exemption for medical or religious reasons. If an exemption is granted, such items shall not obscure any facial features and shall not generate shadows.

(E) The person shall not wear eyewear that obstructs the iris or pupil of the eyes nor take any action to obstruct a photograph of their facial features.

(F) When possible, the eyes shall appear with no dark shadows in the eye-sockets caused by the brow. The iris and pupil of the eyes shall be clearly visible.

(G) Care shall be taken to avoid "hot spots" (bright areas of light shining on the face).

(H) A new photograph shall be taken at each in-person renewal unless the person requests the previous photograph be used for medical reasons, as long as the previous photograph was taken within the previous 10 years.

(ii) Signature. The cardholder's signature shall be a digitally printed reproduction of the driver's original signature.

(b) Valid without Photo and/or Signature (J-Restricted) Licenses. At its discretion, the Department may issue a temporary, J-restricted (Valid without Photo and/or Signature)

license under certain circumstances. Any license issued as J-restricted shall have the words “FEDERAL LIMITS APPLY” on the license, and the license shall not comply with the REAL ID Act of 2005, Public Law 109-13, Title 8 United States Code §1101, *et seq.*

(i) Eligibility.

(A) A Valid without Photo and/or Signature (J) restriction may be issued if:

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

(II) A person complies with the vision requirements found in these rules;

(III) A person submits the required fee to the Department; and

(IV) The Problem Driver Pointer System and Driver’s License Number Survey do not show an ineligible status in any state.

(B) A licensee who holds a commercial driver’s license (CDL) shall not be issued a J-restricted license.

(ii) Requirements for Surrendering J-Restricted Licenses. Individuals holding a J-restricted license shall surrender it within 30 days after returning to Wyoming; obtain a Wyoming license with a photograph, signature, or both; and pay the required fee.

Section 9. Restricted Class C or Class M Licenses.

(a) Applications.

(i) A parent or guardian with legal custody shall sign any affidavit (application) for a restricted Class C, Class M, or both license(s) and shall include a Wyoming Highway Patrol (WHP) finding that extreme inconvenience exists.

(ii) The application shall also:

(A) Set forth the purpose(s) for which the applicant needs to drive;

(B) State the names and relationships of validly licensed drivers residing at the same domicile as the applicant and provide a statement of the reasons these licensed drivers cannot provide transportation for the applicant;

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

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

(iii) Other circumstances WHP finds are 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 six months; and

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

(b) Expiration.

(i) Applicants failing to apply for a restricted license within 30 days of the affidavit's approval shall be required to submit another affidavit to WHP.

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

Section 10. Oaths. Authorized driver's license examiners may accept all oaths, affidavits, or verifications required to obtain a license or permit or to include the gift of life designation, next of kin designation, medical alert designation, or veteran's designation.

Section 11. Examinations.

(a) Vision Screening. Applicants for first-time and renewal driver's licenses and instruction permits may be required to pass a vision screening when issued a license or permit. The driver's license examiner may approve license issuance for the following:

(i) **Non-commercial drivers** if the vision screening given by an examiner, optometrist, or ophthalmologist dated within 12 months of the application shows:

(A) A minimum visual acuity of 20/40 with **both eyes**, with or without corrective lenses; and

(B) A total combined horizontal field of vision with **both eyes** of at least 120 degrees, or, if blind in one eye, at least 90 degrees in the other eye.

(ii) **Commercial drivers** if the vision screening given by an examiner, optometrist, or ophthalmologist dated within 12 months of the application shows:

(A) A minimum visual acuity of 20/40 with **each** eye, with or without

corrective lenses; and

(B) A minimum horizontal field of vision of 70 degrees in **each** eye.

(C) Commercial drivers who do not meet the vision standards in this section shall have the CDL/CLP Intrastate Only (K) restriction imposed based upon the required vision screening or federal medical examiner's certificate from a qualified national registry doctor.

(D) Commercial drivers with monocular vision who do not meet the vision standards outlined in this section but comply with the Federal Motor Carrier Safety Administration's (FMCSA) vision standard are eligible for interstate driving upon the Department's receipt of a federal medical examiner's certificate from a qualified national registry doctor that is valid for no more than 1 year from the date of issue of the certificate.

(iii) **Applicants with a visual acuity of 20/50 or worse**, with or without correction, that demonstrate the ability to operate a motor vehicle safely, and the license is issued with the appropriate restrictions based upon the vision screening and driving skills test results.

(iv) **Applicants who previously failed the vision screening** if they present a written vision statement from an optometrist or ophthalmologist dated within the last three months showing an acuity as outlined in immediately preceding paragraph (i) or (ii) with or without corrective lenses.

(v) **Applicants with an eye disease or condition** diagnosed in a vision screening from an optometrist or ophthalmologist and who have license restrictions in place as recommended by the optometrist or ophthalmologist.

(b) Knowledge and Driving Skills Tests. The driver's license examinations shall include a legal qualifications determination to hold a license. Applicants may also be required to pass a knowledge test of traffic regulations and regulatory signs and demonstrate the ability to operate a motor vehicle of the class and type for which application is made.

(i) Applicants who have not held a valid driver's license in the particular class or type being applied for in the preceding two years immediately before applying shall take all knowledge and driving skills tests the Department requires. This section shall not apply to CDL holders who have been downgraded in accordance with Section (4)(e)(ii)(B) of these rules on or after January 1, 2024, unless the CDL has been expired for two or more years in this or any other state.

(ii) A minimum grade of 80 percent shall be required to pass the knowledge test. Examiners shall give knowledge tests orally if determined necessary.

(iii) Vehicles used for the driving skills tests 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.

(iv) At the examiner's discretion, the driving skills test may be waived for a first-time applicant for a graduated driver's license if the applicant presents a certificate signed by the teacher and school administrator within the previous two years showing completion of a driver's education course approved by the Wyoming Department of Education or a driver training course certified by the Wyoming Department of Transportation.

(v) Commercial driver's license (CDL) applicants who are exempt from having a CDL, as provided in Section 6(d) of these rules, may qualify for a waiver of the knowledge test, driving skills test, or both by completing the Department's certification form. At a minimum, the certification shall verify that, during the two-year period immediately before application, the applicant:

- (A) Has not possessed more than one driver's license;
- (B) Has not had any driver's license or driving privileges suspended, revoked, or canceled;
- (C) Has not had any CDL or driving privileges disqualified;
- (D) 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 Department's rules); and
- (E) Has at least two years of experience operating the same vehicle type and class for which application is being made within the preceding 12 months following discharge from the military, and was:
 - (I) Regularly employed within the last 12 months in a military position requiring commercial motor vehicle operation; and
 - (II) Exempted from CDL requirements in Title 49 C.F.R. Part 383.3(c).
- (F) To qualify for the knowledge test waiver, has one of the following military occupational specialties or occupational classifications:
 - (I) U.S. Army: 88M - Motor Transport Operator, 92F – Fueler, 14T - Patriot Launching Station Operator;
 - (II) U.S. Marine Corps: 3531 - Motor Vehicle Operator;
 - (III) U.S. Navy: EO - Equipment Operator; or
 - (IV) U.S. Air Force: 2TI - Vehicle Operator, 2FO – Fueler, 3E2 - Pavement and Construction Equipment Operator.

(vi) Applicants shall also provide all other information required by Federal Motor Carrier Safety Regulations (FMCSR).

(vii) When renewing a CDL, the licensee shall provide a vehicle representing the driver's license type and class for which application is being made so the Department can administer a driving skills test, if required. The written and driving skills testing requirements may be waived, except that testing requirements FMCSR mandate may not be waived, and written and driving skills tests shall not be waived if the licensee has had any driver's license or driving privileges disqualified, revoked, or canceled.

(viii) School Bus Endorsement applicants shall also pass the required test(s) for and be issued a Passenger (P) Endorsement. Testing for a School Bus Endorsement includes written and skills tests in a school bus as required by FMCSR.

(ix) At the examiner's discretion, applicants may be required to demonstrate their ability to operate a motor vehicle safely as required by W.S. 31-7-122.

Section 12. Third-Party Testing.

(a) Agreements.

(i) A third-party tester shall enter into an agreement with the Department to administer driving skills tests to applicants for commercial driver's licenses (CDLs).

(ii) The agreement shall include, but is not limited to, the following terms. The third-party tester shall permit:

(A) The Federal Motor Carrier Safety Administration (FMCSA), or its representative, and the Department to conduct random examinations, inspections, and audits of company records, facilities, and operations relating to the third-party testing program, with or without prior notice;

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

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

(b) Training and Certification.

(i) The third-party tester shall allow only those employees who complete the required Class A and B Third Party Training Certification Program and whom the Department certifies as third-party examiners to administer CDL skills tests and to issue skills test

certificates.

(ii) Third-party examiners shall meet the same qualification and training standards as Department driver's license examiners.

(iii) Third-party examiners shall complete training and certification provided by the Department's Driver Services Program and have a certificate on file with the Department.

(c) Affidavits.

(i) CDL applicants who pass the driving skills test administered by an authorized third-party examiner shall provide evidence to the Department that they successfully passed the driving skills test.

(ii) All affidavits presented in place of taking a driving skills test or submitting a CDL Test History form shall be signed by the person tested and dated within the validity period for the commercial learner's permit (CLP) the applicant held at the time of the test.

(iii) Affidavits shall not be accepted after the CLP expiration date.

(iv) A proper official of the legal entity having entered into a third-party tester agreement with the Department or a Wyoming driver's license examiner shall execute all affidavits.

(d) Examiner Requirements. Third-party examiners shall:

(i) Conduct a 10-test minimum on different applicants within one year to maintain active examiner status. If a third-party examiner fails to complete 10 different tests, the examiner must attend a state-conducted refresher course or successfully administer a skills test to a state-certified examiner;

(ii) Hold a current, valid Wyoming CDL of the type and class for which they will test and not have been suspended, disqualified, revoked, or canceled in the last five years;

(iii) Complete a nationwide criminal background check. The report results shall be filed with the Department; and

(iv) Shall not act as both the examiner and trainer-instructor of a skills test applicant.

(e) Truck Driver Training Schools. Schools intended to train truck drivers shall be eligible to become third-party testers upon complying with the following:

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

(ii) Third-party testers or examiners shall not charge any fee for skills tests administered, except those fees and tuition allowed by the Wyoming Department of Education;

(iii) Third-party examiners shall test only individuals registered as students with schools licensed to act as third-party testers;

(iv) Truck driving schools shall also comply with all provisions of preceding Section 12(a) through (d) of these rules; and

(v) Third-party examiners for truck driving schools shall recertify annually with the Department.

(f) **Certification Cancellation.**

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

(ii) Third-party testers may be recertified upon satisfying the Department that all violations have been corrected and all third-party examiners have been retrained and recertified in accordance with these rules.

(g) **Other Requirements.**

(i) All non-government third-party testers shall file a \$10,000 bond with the state and maintain the bond to retain Department certification.

(ii) All private institutions or departments not covered by Section 12(e) shall employ a minimum of 25 drivers for Department certification as a third-party examiner.

Section 13. Fees.

(a) **Commercial Driver's License (CDL) Testing Fees.**

(i) A CDL skills test shall not be scheduled or conducted until the Department receives the required fee.

(ii) The applicant shall forfeit the required CDL skills test fee and not be refunded upon:

(A) Failure to appear at the scheduled time and location;

(B) Failure to cancel 24 hours before the scheduled time unless factors beyond the person's control cause the failure to appear (such as road closures or documented medical emergencies);

(C) Failure of any portion of the required skills test; or

(D) Examiner rejection of the vehicle for faulty or unsafe equipment or equipment of the improper class or type. 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.

(iii) A CDL skills test shall not be rescheduled until the Department receives an additional skills test fee.

(b) **Acceptable Payment Types.** The Department shall accept personal checks for required fees if the check is made payable to the Department, printed (not handwritten) with the name and current address of the check issuer, and for the required fee amount. The Department shall not accept two-party or payroll checks.

(c) **Record Fees.**

(i) The fee for a driver's license record shall be \$10. Additionally, the Department shall charge \$2.50 for processing a driver's license record on the same business day if it is not requested in person at a driver's license location.

(ii) The fee for a driver's license record requested and searched electronically shall be \$10.

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

Section 14. Driver's License or Identification Card (ID) Not Delivered.

(a) **Returned as Undelivered to Department.** The Department shall hold a license or ID returned to the Department as undelivered for at least 60 days from the date the Department mailed it. If the Department receives no inquiry within the 60 days, the license or ID may be canceled.

(b) **Licensee Notification.** If a licensee notifies the Department within 60 days of the mail date that the license or ID was not received, another card shall be issued without fee if the person's address has not changed. The licensee shall wait 30 days after the card has been mailed before the Department can issue a replacement license or ID.

Section 15. Grounds for Suspension.

(a) **Moving Violations.** Moving violations used in one suspension action may be used in a subsequent suspension action if the record, by adding a new moving violation(s), shows at least four moving violations within a 12-month period (using the offense date of the violations).

(b) **Repeat Violators.**

(i) The license of any person may be suspended for up to 12 months if the licensee is a repeat violator. The Department shall consider a licensee a repeat violator when its records show that a person has been convicted of three or more moving violations within a 12-month period.

(ii) The Department shall take the following actions with repeat violators:

(A) Provide written notification to violators regarding their three moving violation convictions within a 12-month period (using the offense date of the violations) and identify the possible consequences of receiving additional moving violation convictions;

(B) Suspend the violator's license for 90 days upon receiving evidence of a conviction for a fourth moving violation (using the offense date of the violations) within a 12-month period; and

(C) Suspend the violator's license for an additional 90 days upon receiving evidence of subsequent conviction(s) totaling four or more moving violations within a 12-month period (using the offense date of the violations).

(c) Other Violations.

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

(ii) Violators who fail to appear in court shall have their license suspended for up to 12 months or until they appear in court and comply with the citation conditions, whichever comes first.

(iii) Individuals suspended under the authority granted in W.S. 31-7-140 shall have their Wyoming driver's license suspended until cleared by the court issuing such action.

(iv) The Department shall suspend an individual's commercial driver's license (CDL) for 90 days for any CDL endorsement violations.

(v) A driver's license shall be reinstated upon payment of all state-required fees.

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

(a) Disqualification.

(i) Individuals disqualified under any of the commercial driver's license (CDL) provisions of W.S. 31-7-305 and W.S. 31-7-310 shall have the cancellation become effective on the same date as the disqualification. A person shall be disqualified from operating a commercial motor vehicle for the following:

(A) Department receipt of a Federal Motor Carrier Safety

Administration (FMCSA) disqualification for any violation listed under Title 49 C.F.R Part 383.52. This disqualification shall commence immediately upon notification from FMCSA and remain in effect for as long as one year or until the Department receives notification from FMCSA that the disqualification has ended.

(B) 60 days if convicted of two serious traffic violations in a **commercial motor vehicle** arising from separate incidents occurring within a three-year period.

(C) 120 days if convicted of three serious traffic violations in a **commercial motor vehicle** arising from separate incidents occurring within a three-year period.

(D) 60 days if convicted of two serious traffic violations in a **non-commercial** vehicle arising from separate incidents occurring within a three-year period only if the second conviction results in a suspension.

(E) 120 days if convicted of three serious traffic violations in a **non-commercial** vehicle arising from separate incidents occurring within a three-year period only if the second or third conviction results in a suspension.

(F) Department receipt of a FMCSA disqualification for any violation listed under W.S. 31-7-305.

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

(A) A CDL shall not be issued until the Department receives a written request and investigates; additionally, the applicant shall comply with any restrictions and conditions imposed after the investigation. When writing to request reapplication, the applicant shall be subject to applicable requirements as defined in Section 16(d) and (e) of these rules.

(B) No person shall be issued a new CDL until the Department ends or reduces the disqualification, and the applicant is otherwise eligible for a CDL.

(I) Lifetime disqualification for using a motor vehicle while committing any felony involving the manufacturing, distributing, 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.

(II) Lifetime disqualifications for using a commercial motor vehicle in the commission of any felony involving human trafficking under W.S. 6-2-702, W.S. 6-2-703, or any similar federal regulation shall not be reduced to 10 years.

(C) Individuals with a CDL canceled by disqualification, but who are otherwise eligible, may be issued a non-commercial driver's license.

(D) All applicants who have been disqualified from operating a commercial motor vehicle and subsequently reinstated shall pass all required knowledge and skills tests and pay the required fees.

(b) Denials and Cancellations. Individuals shall be denied license issuance or have an existing license canceled for any of the following reasons:

(i) The person is not legally, physically, or mentally qualified to hold a license; legal age or immigration status; previous disqualification, cancellation, denial, suspension, or revocation; failure to meet statutory requirements; or other reasons as may be described by Department policy, procedure, or other legal actions.

(ii) The Department receives a written medical statement from a qualified medical professional that the person is not medically, physically, or mentally capable of safe motor vehicle operation.

(A) This includes persons afflicted with a medical disorder resulting in loss, interruption, or lapse of consciousness, motor function, or both.

(B) The cancellation or denial shall not be reconsidered until the Department receives a written statement from a qualified medical profession stating the affliction no longer exists or is medically controlled.

(iii) The Department receives a written vision statement from an optometrist or ophthalmologist indicating the person's:

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

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

(C) For non-commercial drivers, total combined horizontal field of vision with both eyes is less than 120 degrees, or, if blind in one eye, less than 90 degrees in the other eye; or

(D) For commercial drivers, horizontal field of vision is less than 70 degrees in each eye.

(iv) A person proves unable to demonstrate ordinary and reasonable skills to operate a motor vehicle safely as evidenced by investigation results. Upon the examiner's recommendation, the person may:

(A) Apply for and receive an instruction permit, subject to any restrictions and conditions imposed by the Department;

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

(C) Request, in writing, the Department investigate again to determine if a license will be issued.

(v) The Department receives a report from the U.S. Citizenship and Immigration Services (USCIS) indicating a non-U.S. citizen is not complying with immigration laws. In this instance, the license shall remain canceled, and the person shall not be allowed to reapply until the Department receives evidence from the USCIS that the applicant is eligible for a license.

(c) Downgrades. Upon receiving notice from FMCSA that a driver is prohibited from operating a commercial motor vehicle because of an alcohol and controlled substance program violation, the Department shall initiate the downgrade process to remove the commercial learner's permit (CLP) or CDL privilege from the driver's license within 60 days.

(d) Investigations.

(i) The Department shall investigate the driving ability, character, and habits of anyone who applies for reinstatement after revocation if revocation resulted from conviction involving alcohol or controlled substances or documented evidence the Department holds that the person has an alcohol or a substance abuse problem.

(ii) If Department investigation reveals any documented incidents in the interlock data log or convictions violating revocation, disqualification, or ignition interlock requirements and restrictions, within the six months immediately preceding the scheduled investigation's date, the Department may:

(A) Deny issuance of a new license;

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

(C) Require the person to do the following:

(I) Provide evidence of completing or current attendance in an approved treatment or counseling program for alcohol, controlled substances, or both within the six-month denial period;

(II) Not receive any convictions or violations involving use of alcohol or controlled substances during the five-year term of any license issued after the investigation is completed; and

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

(iii) Investigations may consist of a driving skills test in a vehicle representing the license type and class the applicant holds or for which the applicant is applying and any requirements or restrictions from an investigation completed under subsections (a) through (c) of this section.

(iv) The Department shall investigate the driving ability, character, and habits of anyone who applies for reinstatement of commercial driving privileges after a lifetime disqualification. If a Department investigation reveals any of the following, the request shall be denied:

(A) The applicant has not yet served a full 10 years from the start date of the last lifetime disqualification;

(B) The applicant is no longer licensed in this state and has been convicted in another jurisdiction of an offense listed in Title 49 C.F.R. Part 383.51 that would result in an additional lifetime disqualification if still residing in Wyoming;

(C) The applicant fails to complete the documentation required by the Department within six months of receiving the applicant's request; or

(D) If any convictions resulting in the disqualification are related to alcohol or controlled substances and the applicant fails to provide evidence of successful completion of an appropriate rehabilitation program approved by the Department.

(v) The Department shall investigate a driver's driving ability, character, and habits at the specific request of a law enforcement based upon observed impairment of the driver's mental, physical, or visual ability.

(e) Reinstatement.

(i) Licenses shall be denied or non-resident operating privileges shall not be restored until one of the following requirements is satisfied. The individual shall:

(A) Submit a current evaluation for alcohol, controlled substances, or both by a counselor certified by the Wyoming Department of Health, Substance Abuse Division, or an equivalent out-of-state agency with evidence of satisfactory completion or current attendance in a recommended treatment course or counseling program;

(B) Provide verifiable evidence of their substantial compliance with W.S. 31-7-401 through W.S. 31-7-404 for the previous six months; or

(C) Provide verifiable evidence of their substantial compliance with W.S. 31-7-501 through W.S. 31-7-502 for the previous six months.

(ii) Individuals who violate restrictions imposed by the Department shall have their license canceled and cannot apply for a new license until proof is submitted that:

(A) The person has completed an approved inpatient program for alcohol, controlled substances, or both since the last known incident; or

(B) The person is currently enrolled and making satisfactory progress in a treatment program for alcohol, controlled substances, or both since the last known incident.

(iii) Individuals who have had a license revoked for a reason other than Section 16, subsections (b) through (c), shall be denied a license until the Department completes an investigation, and the person complies with any restrictions imposed by the Department resulting from the investigation.

(iv) Individuals whose CLP or CDL has been downgraded under Section 16(c) are required to complete the FMCSA prescribed return-to-duty process to have their commercial privileges reinstated as follows:

(A) If, before the Department completes and records the downgrade, the Department receives notification the CLP or CDL holder is no longer prohibited from operating a commercial motor vehicle, the Department shall terminate the downgrade process without removing the CLP or CDL privilege from the driver's license; or

(B) If, after the Department completes and records the downgrade, the Department receives notification the driver is no longer prohibited from operating a commercial motor vehicle, the Department shall reinstate the driver's CLP or CDL privilege.

(v) Any applicant whose commercial privileges have been downgraded for more than two years shall pass all required knowledge and skills tests and pay the required fees to obtain a CDL. This requirement shall not apply to applicants downgraded according to Section (4)(e)(ii)(B) of these rules on or after January 1, 2024.

Section 17. Surrender of License or Permit. A suspended, canceled, or revoked license or permit shall be considered surrendered when given to any Department Driver Services employee or law enforcement officer or when 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) Notification.

(i) Individuals 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.

(ii) The notification shall advise the person that:

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

(B) 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) Record Review Requests. Requests for record reviews of disqualifications, suspensions, revocations, cancellations, or denials 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. All requests 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 or sent electronically.

(a) Notification.

(i) A request for a contested case hearing or record review shall be considered timely if received electronically or postmarked within 20 days of the date the Department provided notice of the Department's intended action (to suspend, revoke, cancel, disqualify, or deny a driver's license) and is accompanied by the required fee.

(ii) If the Department receives a request for a hearing or record review electronically, payment shall be made within 48 hours after the payment link is sent by the Department.

(iii) If, during the investigation process, the Department determines additional information is necessary after accepting the hearing request, the requestor may be required to provide information as the Department directs before referral to the Office of Administrative Hearings.

(b) Computation of Time.

(i) The Department shall allow five 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 five days after mailing it unless law enforcement gives notice in accordance with W.S. 31-6-102.

(ii) If law enforcement does not give notice in person, the 20-day period to request a contested case hearing or record review 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.

(iii) If law enforcement gives notice in person, the 20-day period to request a

contested case hearing or record review shall begin immediately, 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 Requests.

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

(ii) Upon receiving a late request for a contested case hearing, the Department may grant a late hearing if satisfactory written evidence and documentation is submitted showing the lateness resulted from external factors beyond the petitioner's control.

(iii) Upon receiving a late request for a record review, the Department may grant a probationary driver's license for limited driving privileges if:

(A) The petitioner holds an unexpired, permanent driver's license;

(B) The petitioner is otherwise entitled to limited driving privileges; or

(C) The Department receives satisfactory written evidence indicating that failure to grant the limited driving privileges will cause undue hardship.

(iv) If the Department denies a late request for a contested case, it shall refund the required fee.

(d) Stay of Action.

(i) 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.

(ii) Stays shall continue as follows:

(A) 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

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

Section 20. Probationary Licenses.

(a) Conditions.

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

(A) Holds an unexpired, permanent driver's license and is otherwise eligible for a probationary license;

(B) Pays the required fee;

(C) Files and maintains an SR-22, when required, for a three-year period. A SR-22, when required, shall be on file with the Department before a probationary license is issued, and the probationary license shall be canceled if the Department receives a SR-26; and

(D) Submits a current evaluation for alcohol, controlled substances, or both by a counselor certified by the Wyoming Department of Health, Substance Abuse Division, when required.

(I) The evaluation shall recommend, at a minimum, an alcohol and substance abuse class meeting the Wyoming Substance Abuse Standards.

(II) The probationary license shall be issued when the person is enrolled in a class to be completed no later than 30 days after the suspension start date, upon proof of successful class completion, or both.

(III) 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 a treatment program for alcohol, controlled substances, or both since the last known incident.

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

(b) Orders Granting Probationary Licenses.

(i) The Department shall issue a probationary license if the person is otherwise entitled to hold such a license and all required documents and fees have been received.

(ii) Orders granting a probationary driver's license shall include the following information, terms, and conditions:

(A) The probationary license start and end dates;

(B) The days, times, and reasons when the person is authorized to drive;

(C) Applicants shall pay additional fees for probationary licenses that

require changes or reissuing because of their need to drive for circumstances not contained in the original application;

(D) The holder shall always carry the probationary license and order when operating a motor vehicle; and

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

Section 21. Undue Hardship.

(a) Conditions.

(i) Subject to W.S. 31-7-105, an undue hardship exists if a person establishes that being unable to drive shall result in the inability to provide the person or person's dependents with the basic necessities of life (such as food, clothing, and shelter) and access to education.

(ii) Undue hardship does not exist if another licensed driver in the household is able to perform the required driving.

(b) Eligibility. The undue hardship applies only to individuals having the hardship for purposes of driving if the individual holds a current Wyoming driver's license or current out-of-state license and is suspended in Wyoming.

Section 22. Appeals to the Office of Administrative Hearings. Individuals denied a probationary license after a Department record review or adversely affected by a Department record review decision are entitled to appeal the decision to the Office of Administrative Hearings. Persons appealing have 20 days from the date the Department denies the probationary license or gives notice of its record review decision to request a hearing before the Office of Administrative Hearings, or the opportunity for a hearing is waived. An appeal under this section shall be treated as an appeal for a contested case under W.S. 31-7-105(e).

Section 23. Driver's License Records. Driver's license records include only those records as defined in Section 3 of these rules.

(a) Content of Records.

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

(ii) The driving history record shall reflect at least the following actions:

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

(B) Uninsured accidents and accident suspensions; and

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

(b) Record Release and Exceptions. No “Driving History Record,” as defined under “Driver’s License Records” in Section 3 of these rules, shall be released except:

(i) Upon an individual record holder’s expressed written request;

(ii) To a third party upon presentation of a signed release from the record holder;

(iii) Upon written request by law enforcement, a government agency, or court to carry out official functions; or

(iv) Those permitted disclosures allowed in Wyoming Department of Transportation Rules and Regulations, Motor Vehicles and Licensing, Chapter 7, Motor Vehicle Records and Privacy.

(c) Verification and Medical Records. Records defined in these rules (Section 3, Driver’s License Records) as “Verification Records” or “Medical Records” shall not be released as part of any other record request, except upon the record holder’s expressed written consent as allowed in the Department’s Rules and Regulations, Motor Vehicles and Licensing, Chapter 7.

Section 24. Disabled Placard Applications. Eligible individuals, as defined by W.S. 31-2-213(d)(ii), or any person or agency responsible for transporting eligible persons shall complete an application for a disabled placard. The eligible person’s proof of identity shall be required upon placard issuance.

(a) Applicant Information. The application shall include the following:

(i) The applicant’s name, date of birth, address, and phone number;

(ii) Information about whether the applicant is requesting placards (and the number of placards) or is obtaining vehicle plates from the county treasurer; and

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

(b) Medical Section. A physician, physician’s assistant, or an advanced practice registered nurse shall complete the medical section, and the application shall be submitted to the Department.

(c) Eligibility.

(i) Disabled placard issuance may result in a driver's license review to determine the eligible person's ability to operate a motor vehicle safely and verify the license reflects the proper restrictions for the stated condition. The medical information submitted on the application for a disabled placard is subject to the terms and conditions set forth in Section 16 of these rules.

(ii) Eligible individuals may appear in person at a driver's license exam office or apply by mail when applying for a disabled placard. If the eligible person is unable to appear but already exists as a client in the driver information system, a placard may be issued on the applicant's behalf to a family member or representative. The eligible person shall sign the application presented.

(iii) Permanent disabled placard issuance requires the applicant to be a Wyoming resident. Non-residents who meet the qualification outlined in W.S. 31-2-213(g) shall be issued a temporary disabled placard.

Section 25. Reinstatement After Child Support Suspensions. Upon receiving notice from the court or the Department of Family Services, the Department of Transportation shall reinstate the obligor's Wyoming driver's license and driving privileges upon payment of the \$5 reinstatement fee if the license privileges are 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 the Department.

Section 26. Ignition Interlock Restricted Licenses.

(a) Requirements.

(i) Ignition interlock restricted licenses shall not be issued to individuals holding a commercial driver's license (CDL) or who are otherwise ineligible by statute to hold an ignition interlock restricted license.

(ii) An application for an ignition interlock restricted license shall be made only after the Department receives a disposition from a court of an alcohol related conviction for W.S. 31-5-233, W.S. 31-5-234, or other law prohibiting driving while under the influence as defined in W.S. 31-5-233(a)(v).

(iii) Persons required to apply for an ignition interlock restricted license according to W.S. 31-7-402(e) and residing in another state may meet the ignition interlock license requirement by completing the Department's ignition interlock program as long as the Department's terms are met for the period required by Wyoming law.

(iv) Applications for ignition interlock restricted licenses shall be made if the Department receives notice from the 24/7 administrator, pursuant to W.S. 31-7-502(b), that a person has failed to comply with the 24/7 Sobriety Program requirements or otherwise ceases to participate in the program before completing it after being given the opportunity to pursue the

administrative procedures provided by W.S. 31-7-105.

(b) License Restrictions. When eligible applicants complete all requirements for an ignition interlock restricted license and provide 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 licenses shall contain:

(i) An expiration date with a period not to exceed five years; and

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

(c) Fees.

(i) Applicants shall pay any required reinstatement fees upon ignition interlock restricted license issuance and provide proof of financial responsibility.

(ii) In addition to any required reinstatement fees, applicants shall pay \$100. This fee does not pertain to any ignition interlock restricted license applicant who qualifies as an indigent person as allowed in Section 26(d).

(iii) Persons applying for removal of the ignition interlock restriction after completing a revocation period shall meet the requirements of preceding Section 16(a) of these rules before removal of the ignition interlock restriction.

(d) Indigent Persons. 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 Supplemental Nutrition Assistance Program (SNAP) of the Wyoming Department of Family Services at the time of installation.

(ii) After complying with Section 26(d) of this rule, an individual may receive reimbursement from the Department for:

(A) One half the installation cost if presented with a receipt from the ignition interlock service provider for the individual's total costs; and

(B) One half the monthly service fee costs if presented with a receipt from the ignition interlock service provider for the individual's total costs.

(iii) Receipts for reimbursement 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 reimbursement.

(v) Eligibility for reimbursement shall continue while the individual remains an active participant in SNAP with the Wyoming Department of Family Services.

(vi) When the Department becomes aware of an individual's ineligibility, the Department shall notify the individual of such ineligibility.

Section 27. 24/7 Restricted Licenses.

(a) Requirements.

(i) Individuals required to hold a 24/7 restricted license, or those who are otherwise ineligible to hold an ignition interlock restricted license, shall not be issued a commercial driver's license.

(ii) For offenses on or after July 1, 2019, applications for 24/7 restricted licenses shall be made only after the Department receives a disposition from a court of an alcohol related conviction for W.S. 31-5-233, W.S. 31-5-234, or other law prohibiting driving while under the influence as defined in W.S. 31-5-233(a)(v).

(iii) Applicants shall provide the Department verifiable proof they have been ordered to participate in the 24/7 Sobriety Program as an alternative to a mandated ignition interlock requirement and they have enrolled in the program.

(b) License Contents. When eligible applicants complete all 24/7 restricted license requirements, the Department shall issue the license. Such licenses shall contain:

(i) An expiration date with a period not to exceed five years; and

(ii) The restriction 24/7 on the license, which states: "Must maintain compliance with court ordered 24/7 Sobriety Program as an alternative to IIR."

(c) Fees.

(i) Applicants shall pay any required reinstatement fees upon 24/7 restricted license issuance and provide proof of financial responsibility.

(ii) In addition to any required reinstatement fees, applicants shall pay \$100. This fee does shall not pertain to applicants who qualify as indigent persons as allowed in Section 27(d).

(iii) Persons applying for removal of the 24/7 restriction after completing a revocation period shall meet the requirements of preceding Section 16(d) of these rules before 24/7 restriction removal.

(d) Indigent Persons. The Department may waive the \$100 fee required in subsection

(c)(ii) of this section for indigent persons, as defined by Section 26(d); however, all other requirements of Section 27 shall be met. Anyone requesting assistance under W.S. 31-7-501(c) upon application shall be an active participant in the federal Supplemental Nutrition Assistance Program (SNAP) of the Wyoming Department of Family Services.

Section 28. Temporary Motorcycle License. Upon application, the Department may issue a 90-day temporary motorcycle license, subject to the following restrictions and conditions.

(a) Examination and Issuance. The applicant shall pass a written examination, be issued a paper temporary for a 90-day period, and pay the required fee.

(b) Renewal. The applicant may renew the temporary motorcycle license one time for an additional required fee. After having held two temporary motorcycle licenses, an applicant shall retake any required written tests before being issued another temporary motorcycle license.

Section 29. Motor Vehicle Safety Responsibility.

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

(b) Insurance Cards.

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

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

(B) If the provider uses a bar code on its insurance cards, the bar code shall comply with American National Standards Institute two-dimensional bar code standards available through the following: <http://www.ansi.org>. This rule includes no amendments to the standard subsequent to the effective date of September 1, 2023.

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

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

(c) Insurance Verification System.

(i) Sellers of motor vehicle liability policies for vehicles owned in Wyoming

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

(ii) This compliance requirement does not apply to:

(A) Self-insurers pursuant to W.S. 31-9-414;

(B) Self-insurers pursuant to W.S. 31-9-415;

(C) Government vehicles as described by W.S. 31-4-103(d)(ii);

(D) Vehicles meeting the requirements of W.S. 31-9-408 and W.S. 31-9-409; or

(E) Commercial vehicles as described by W.S. 31-4-103(d)(iv).

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

Wyoming Department of Transportation
Chapter 1

Driver's Licenses and Motor Vehicle Safety

CHAPTER 1

~~Section 1.~~ **Section 1. Authority.** These rules of practice and procedure are promulgated by authority of W.S. 24-2-105, W.S. 31-4-103(f), W.S. 31-7-103, W.S. 31-7-305, W.S. 31-7-310, W.S. 31-7-401, W.S. 31-7-501, W.S. 31-8-101, W.S. 31-8-201, W.S. 31-8-203, and W.S. 31-9-103.

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

~~Section 2.~~ **Section 2. Purpose.**

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

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

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

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

(i) W.S. 31-7-101 through W.S. 31-7-502, Driver's License Act;

(ii) W.S. 6-3-615, Use of false identity, citizenship or resident alien documents, penalty;

(iii) W.S. 31-9-101 through W.S. 31-9-415, Motor Vehicle Safety-Responsibility Act; and

(iv) W.S. 31-4-103, Failure to maintain liability coverage; penalties; exceptions.

(b) Implementation. These rules also implement, as currently amended, the following:

(i) W.S. 31-7-310, Rulemaking authority;

(ii) Title 6 Code of Federal Regulations (C.F.R.) Part 37, Real ID driver's licenses and identification cards;

(iii) Title 49 C.F.R. Subchapter B, Federal motor carrier safety regulations, Parts 383, 384, and 390.

(c) Applications and Examinations Guidance. These rules also provide guidance regarding applications and examinations for obtaining the following:

(i) Driver's licenses, commercial driver's licenses, and temporary and instructional permits;

(ii) Extensions or expirations of valid driver's licenses;

(iii) Grounds for cancellation or denial of licenses and permits;

(iv) Grounds for disqualification and suspension;

(v) Notices of intent to disqualify, suspend, deny, cancel, or revoke; and

(vi) Procedures for providing hearings.

~~Section 3.~~ **Section 3. Definitions.** All definitions as set forth in W.S. 31-7-102 apply to these rules. As used in these rules and regulations, the following terms have the following meanings:

~~(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:~~

(a) “24/7 restricted driver's license” means a restricted driver's license issued by the Department pursuant to W.S. 31-7-501 through W.S. 31-7-502 and these rules.

(b) (†) “Birth Certificate” means ~~the~~ an individual's birth record, ~~related to a birth that~~ which is permanently stored either electronically or physically at the State Office of Vital Statistics or equivalent agency in a registrant's state of birth.

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

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

(ii) (B) ~~Any A reproduction of an original official document that has been reproduced from an original document on file at a government agency that bears the following: ; 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).~~

(A) Custodian certification that the document on file is valid;

(B) The certifying individual’s original signature; and

(C) The office seal (if applicable).

(d) (iii) “~~CDL~~ Commercial driver’s license (CDL) downgrade” means:

(i) (A) ~~The state allows a driver to~~ A driver’s state-allowed change ~~his or her of their~~ self-certification to ~~interstate, but~~ **interstate only** while operating exclusively in transportation or operation excepted in Section 6 of these rules;:

(ii) (B) ~~The state allows the driver to~~ A driver’s state-allowed change ~~his or her of their~~ self-certification to ~~intrastate only, but~~ **intrastate only** while operating exclusively in transportation or operation excepted in Section 6 of these rules; ; or

(iii) (C) ~~The state removes state’s removal of the CDL (Commercial Driver’s License) privilege from the driver~~ a driver’s license.

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

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

(g) (vi) “Domicile” as referred to in W.S. 31-7-117(c), means the ~~domicile~~ residence of ~~the a~~ parent or guardian having with legal custody ~~and signing the~~ who signs an affidavit of extreme inconvenience.

(h) (vii) ~~“Driver License Record”~~ “Driver’s license record” may include one or more of the following:

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

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

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

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

(j) ~~(ix)~~ —“FMCSR” “Federal Motor Carrier Safety Regulations (FMCSR)” means ~~Federal Motor Carrier Safety Regulations, Title 49 C.F.R. Parts 383, 390 through 397, and 399.~~

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

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

(m) ~~(xii)~~ “Investigation” means:

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

(ii) ~~(B)~~ “Fraud investigation” means ~~the a~~ formal evaluation or inquiry of ~~the following; 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.~~

(A) Information from any driver’s license or ID applications;

(B) Identifying documents;

(C) Digital images, signatures, or driving records;

(D) Other information a trained examiner receives to determine authenticity, lawful status, or violations of state or federal laws and regulations; or

(E) Activities performed by Department employees while working that violate Department rules or state or federal law.

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

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

(p) (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.

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

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

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

(t) (xix) “Restrictions” means the following restrictions that may be placed and imposed and placed on the a driver’s license, CDL, commercial learner’s permit (CLP), or permit in an encoded form **(see Driver’s License Restriction Codes Table):**

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

~~(B) — “Restrictions” for licenses issued on or after January 1, 2014, are Automatic Transmission A; Corrective Lenses B; Mechanical Aids (special brakes, hand controls, or other adaptive devices) C; Prosthetic Aid D; No Manual Transmission (CDL only) —~~

~~E; Daylight Driving Only G; Limited Others (the Department can be contacted for details about this restriction) I; Valid Without Photo and/or signature J; CDL/CLP (Commercial Learner's Permit) Intrastate Only K; Vehicles Without Air Brakes (CDL/CLP only) L; Except Class "A" Bus (CDL only) M; Except Class "A" and "B" Bus (CDL only) N; No Tractor/Trailer Fifth Wheel Coupler (CDL only) O; No Passenger (CLP only) P; Class "M" Only, 4 Wheel Recreation Vehicles Only R; Except Tractor/Trailer (CDL only) T; Must Have Variance Letter or SPE Certificate in Possession (CDL/CLP only) V; No Cargo in Tank (CLP only) X; or No Full Air Brake System (CDL only) Z.~~

Driver's License Restriction Codes Table

<u>Licenses Issued On or After January 1, 2014</u>		<u>Licenses Issued On or After July 1, 2024</u>	
<u>Encoded Form</u>	<u>Restriction Name</u>	<u>Encoded Form</u>	<u>Restriction Name</u>
<u>A</u>	<u>Automatic Transmission</u>	<u>A</u>	<u>Automatic Transmission</u>
<u>B</u>	<u>Corrective Lenses</u>	<u>B</u>	<u>Corrective Lenses</u>
<u>C</u>	<u>Mechanical Aids (such as special brakes, hand controls, or other adaptive devices)</u>	<u>C</u>	<u>Mechanical Aids (such as special brakes, hand controls, or other adaptive devices)</u>
<u>D</u>	<u>Prosthetic Aid</u>	<u>D</u>	<u>Prosthetic Aid</u>
<u>E</u>	<u>No Manual Transmission (CDL only)</u>	<u>E</u>	<u>No Manual Transmission (CDL only)</u>
<u>F</u>	<u>Outside Mirrors</u>	<u>F</u>	<u>Outside Mirrors</u>
<u>G</u>	<u>Daylight Driving Only</u>	<u>G</u>	<u>Daylight Driving Only</u>
<u>H</u>	<u>Limit to Employment Only</u>	<u>H</u>	<u>Limit to Employment Only</u>
<u>I</u>	<u>Limited Others (contact the Department for details about this restriction)</u>	<u>I</u>	<u>Limited Others (contact the Department for details about this restriction)</u>
<u>J</u>	<u>Valid without Photo and/or Signature</u>	<u>J</u>	<u>Valid without Photo and/or Signature</u>
<u>K</u>	<u>CDL Intrastate Only</u>	<u>K</u>	<u>CDL/CLP Intrastate Only</u>
<u>L</u>	<u>Vehicles without Air Brakes (CDL only)</u>	<u>L</u>	<u>Vehicles without Air Brakes (CDL/CLP only)</u>

Driver's License Restriction Codes Table

Licenses Issued On or After January 1, 2014

<u>Encoded Form</u>	<u>Restriction Name</u>
<u>M</u>	<u>Except Class A Bus (CDL only)</u>
<u>N</u>	<u>Except Class A and B Bus (CDL only)</u>
<u>O</u>	<u>No Tractor-Trailer Fifth Wheel Coupler (CDL only)</u>
<u>P</u>	<u>No Passenger (CLP only)</u>
<u>R</u>	<u>Class M Only or Four-Wheel Recreation Vehicles Only</u>
<u>T</u>	<u>Except Tractor-Trailer (CDL only)</u>
<u>V</u>	<u>Must have Variance Letter or Skill Performance Evaluation (SPE) Certificate in Possession</u>
<u>X</u>	<u>No Cargo in Tank (CLP only)</u>
<u>Z</u>	<u>No Full Air Brake System (CDL only)</u>

Licenses Issued On or After July 1, 2024

<u>Encoded Form</u>	<u>Restriction Name</u>
<u>M</u>	<u>Except Class A Bus (CDL only)</u>
<u>N</u>	<u>Except Class A and B Bus (CDL only)</u>
<u>O</u>	<u>No Tractor-Trailer Commercial Motor Vehicle (CDL only)</u>
<u>P</u>	<u>No Passenger (CLP only)</u>
<u>R</u>	<u>Class M Only or Four-Wheel Recreation Vehicles Only</u>
<u>V</u>	<u>Must have Variance Letter or SPE Certificate in Possession (CDL/CLP only)</u>
<u>X</u>	<u>No Cargo in Tank (CLP only)</u>
<u>Z</u>	<u>No Full Air Brake System (CDL only)</u>

(i) ~~(H)~~ — ~~An A CDL/CLP applicant for a commercial driver's license who is at least 18 years of age old but has not attained the age of not yet 21 years old shall be restricted to a commercial driver's license (CDL/CLP) have the CDL/CLP Intrastate Only (K) restriction (K) imposed, except while operating under an FMCSR exemption allowed by FMCSR 49 CFR 391.~~

(ii) A CDL applicant who is applying for a hazardous materials endorsement (HME) shall pass all required knowledge tests and comply with Transportation Security Administration requirements in 49 CFR Part 1572. If the HME applicant is at least 18 years old but not yet 21 years old, the CDL shall have the Intrastate Only (K) restriction imposed, except while operating under an FMCSR exemption.

(iii) ~~(H)~~ — ~~An A CDL/CLP 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 them from operating a commercial vehicle on the interstate shall be~~

~~restricted to operating~~ operate a commercial vehicle with a CDL/CLP Intrastate Only ~~(K)~~ restriction ~~(K)~~, unless ~~he or she~~ the driver possesses a medical or vision waiver issued by the Federal Motor Carrier Safety Administration.

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

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

(v) An applicant who passes the CDL skills test using a combination vehicle that is not a truck-tractor semi-trailer combination, but is otherwise equipped with a fifth wheel, shall have a No Tractor-Trailer Commercial Motor Vehicle (O) restriction imposed.

~~(vi) (V) An applicant who has applied for a Commercial Learner's Permit (CLP) CLP and passed a written examination for a Tank endorsement (N) will be restricted on the CLP to, Endorsement (N) shall have a No Cargo in Tank (CLP only) — (X) (X) restriction imposed.~~

~~(vii) (VI) An applicant who has applied for a Commercial Learner's Permit (CLP) CLP and passed a written examination for a Passenger endorsement (P) will be restricted on the CLP to Endorsement (P) shall have a No Passenger (CLP only) — (P) (P) restriction imposed.~~

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

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

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

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

(y) (xxiv) “Third-party tester” means a any government entity, association, educational institution, or business entity engaged in the use of using commercial motor vehicles,

certified by that the Department certifies to administer approved ~~Driver License~~ driver's license skills tests.

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

~~Section 4.~~ **Section 4. Applications for Licenses, Permits, and Identification Cards (IDs).**

(a) Proof of Identity.

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

~~(i)~~ (ii) ~~Any applicant that does not have a~~ Applicants without proof of identity or legal identification ~~document~~ documentation, as defined in Section 3**~~(b)(xvii)~~(r)** of these rules, may present alternative documentation that the Department's Driver Services Program manager ~~must be approved by the manager of Driver Services~~ shall approve before ~~any applicant can be completed~~ license, permit, or ID issuance.

~~(ii)~~ (iii) ~~An applicant who presents a~~ If a trained examiner suspects a fraudulent proof of identity or legal identification document, the examiner shall seize the document, provide a receipt for the seized document (whenever possible), and contact local law enforcement. ~~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)~~ (iv) ~~If the law enforcement agency refuses to receive the seized document(s), the document(s)~~ material, the examiner shall be sent send the document to the Driver Services fraud unit located in Cheyenne Fraud Unit for review. The Fraud Unit shall hold the document while determining and held until authenticity is determined as described in the following:

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

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

(b) Additional Identifying Information.

~~(b)~~ (i) In addition to the information specifically requested on the application, ~~form~~ as called for by statute, ~~the applicant is required to fill out~~ applicants shall provide additional identifying information including; natural eye and hair color as well as status of United States citizenship.

~~(i)~~ — Natural eye and hair color; and

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

(ii) (A) — If not a citizen of the Applicants who are not United States citizens shall, the person must provide proof of “lawful status” or “temporary lawful status” in the United States, as defined in Title 6, CFR, Chapter 4, C.F.R. Part 37.03.

(c) Medical History.

~~(c)~~ (i) ~~The applicant~~ Applicants shall answer ~~the~~ the medical history questions pertaining to medical history within (covering the previous 2 two 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.~~

(ii) Applicants answering affirmatively to any of the medical questions or listing any physical or mental disabilities may be required to have a qualified medical professional complete the Department-provided medical form.

(d) Social Security Number.

~~(d)~~ (i) All applicants for a driver’s ~~license~~ licenses, instruction ~~permit~~ permits, or ~~identification card~~ IDs shall provide ~~the Department~~ their social security number to the Department.

(i) (ii) ~~Any applicant applying for a noncommercial~~ Non-commercial driver’s license or instruction permit ~~applicants who does do not have a social security number shall be required to submit a sworn affidavit under penalty of perjury stating he or she does~~ they do not have a social security number.

(ii) (iii) ~~Any applicant applying for a commercial~~ Commercial driver’s license (CDL) ~~applicants who has have a conscientious objection to disclosing his or her~~ their 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) CDL Applicants.

~~(e)~~ (i) All CDL applicants for a ~~commercial driver’s license~~ are required at the

~~time of application to shall certify the type of driving they can perform and shall self-declare if they are exempt or non-exempt interstate status when applying.~~

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

~~(A) Applicants with expired federal medical examiner's certificates shall provide the Department with a new, valid federal medical examiner's certificate or, if no longer medically qualified or exempt, submit a new self-certification or have their commercial driving privilege removed from their driver's license.~~

~~(B) If an applicant does not comply with preceding (ii)(A), the Department shall downgrade the license to a non-commercial class license.~~

~~(C) An applicant with a valid federal medical examiner's certificate with a medical waiver shall present a letter or skill performance evaluation certificate upon application or renewal.~~

~~(ii) (iii) If the an applicant is ~~in~~ has an exempt status, the applicant ~~must~~ shall present a document showing ~~he or she is~~ they are operating under an exemption as allowed in Title 49 CFR C.F.R. Parts 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) (iv) Any applicant applying for a commercial driver's license requesting CDL applicants who request to waive the knowledge test, skills test shall complete the certification form provided by the Department. Commercial applicants meeting the requirements of FMCSR-383 test, or both under the Federal Motor Carrier Safety Regulations may be excused from taking~~

~~the driving skills test~~ one or more required tests if the Department can verify the applicant's qualifications. Applicants shall submit the appropriate waiver request for Department review.

~~(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)~~ (f) Expiration. ~~Any driver's license~~ Driver's licenses issued to ~~an applicant~~ applicants under the age of 21 shall expire on the applicant's twenty-first birthday except when the following occurs:

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

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

~~(i)~~ (g) Screening. 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~~ issuance.

~~(h)~~ Immigrant Licenses and IDs.

~~(i)~~ (i) ~~Any license~~ Licenses or IDs issued to ~~a nonresident alien~~ immigrants without permanent 10-year resident status shall be a temporary ~~license~~ credentials valid only for the period authorized on ~~the U.S. Immigration and Naturalization Service~~ documents presented to and verified by the Department.

~~(k)~~ (ii) ~~Any license issued to a nonresident alien~~ Credentials issued to temporary immigrants shall be identified with a suffix code of NR (~~nonresident alien non-resident~~) in the license's class field ~~of the license~~ (for driver's licenses only), and/or "LIMITED TERM" shall be printed across the top of the credential.

~~Section 5.~~ **Section 5. Name Changes.** Name changes for adoptions, marital status changes, or other legal proceedings may be made when applying for any service.

(a) Name Changes for Legal Proceedings. ~~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~~ Applicants shall present 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 upon application.

(b) Name Change Requirements. ~~Changes of name~~ Name changes not authorized in a legal ~~proceeding~~ proceedings may be granted if ~~the use of the name is not used~~ for any

fraudulent ~~purpose~~ purposes, does not infringe on the interests or rights of others, is not prohibited by any judicial or administrative adjudication, and is otherwise legal. ~~The applicant shall complete an "Affidavit of Name Change" form provided by the Department. The affidavit shall be notarized and accompanied by a certified copy of the person's proof of identity document(s).~~

(c) Affidavit of Name Change.

(i) Applicants shall complete the Department's Affidavit of Name Change form, sign the affidavit in a trained examiner's presence, and provide a certified copy of their proof of identity document.

(e) (ii) The affidavit described in ~~Subsection~~ subsection (b c) shall include:

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

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

~~(iii)~~ (C) The applicant's date and place of birth; ;

~~(iv)~~ (D) The applicant's present mailing address and ~~physical residential address or residence~~ physical residential address (if different from the mailing address); ;

~~(v)~~ (E) The applicant's natural or adoptive mother's full name, including ~~her~~ both married and maiden name (if applicable); ;

~~(vi)~~ (F) The applicant's natural or adoptive father's full name, including both married and maiden name (if applicable); ;

~~(vii)~~ (G) Any other names ~~that~~ the applicant ~~has~~ used during the preceding 10 years. The affidavit shall also ~~show~~ list the date dates and places (by state, county, and city) where each name was used; ;

~~(viii)~~ (H) Each address where the applicant has resided during the last 10 years and the ~~length of time~~ duration the applicant resided at each location; ;

~~(ix)~~ (I) The applicant's current job title, and employer, ~~(including the employer address, and physical work site address or location of both the employer and the job work site), and the~~ as well as all previous job title(s) titles and employer(s) employers from the applicant has had during the preceding 10 years, ~~(including the each employer's address and physical work site address or location of both the employer and job work site).~~ ;

~~(x)~~ (J) The applicant's certification that the requested name change and use of such name on any license or identification card (ID) issued by the Department, in whole or in part, meets the provisions provided in subsection (b) of this section; and

~~(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) (K) The applicant's certification that he or she understands of understanding that it is unlawful to use a false or fictitious name on any application or affidavit and that any Department-issued license or identification card ID shall be canceled for failing to give the required or correct information.~~

~~Section 6. Section 6. Commercial Driver's License (CDL) Exemptions. Pursuant to W.S. 31-7-303, the following drivers are exempt from the general requirement under W.S. 31-7-106(a) to obtain a CDL:~~

~~Pursuant to W.S. 31-7-303, drivers are exempted from the general requirement under W.S. 31-7-106(a) to obtain a commercial driver's license. Drivers listed in the following are still required to obtain a Class C license with the Z endorsement on their driver's license unless they are exempted by W.S. 31-7-107(a):~~

~~(a) Farmers and Ranchers. Operators of a farm or ranch vehicle that is: Farmers and ranchers, including their employees and family members, are exempt when operating farm or ranch vehicles that are:~~

~~(i) — Controlled and operated by a farmer or rancher, including operation by employees or family members;~~

~~(ii) (i) Used to transport agricultural products, farm machinery, and/or or farm supplies to or from a farm or ranch;~~

~~(iii) (ii) Not used in the operations of a common contract motor carrier operations;~~

~~(iv) (iii) Used anywhere within the state of Wyoming, if registered in the state of Wyoming as a farm vehicle; and~~

~~(v) (iv) Used within 150 air miles of the a farm or ranch if travelling across state lines.~~

~~(b) Firefighters and Other Emergency Response Personnel. Firefighters and other persons who operate emergency response personnel are exempt when operating commercial motor vehicles (such as fire trucks, hook and ladder trucks, foam or water transport trucks, police SWAT team vehicles, ambulances, or other vehicles used for emergency response) 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.~~

(i) Necessary to preserve life or property or execute emergency governmental functions;

(ii) Equipped with audible and visual signals; and

(iii) Not subject to normal traffic regulation.

~~(c) Snow and Ice Removal Drivers. A driver employed by an Drivers whom eligible unit units of local government operating a employ to operate commercial motor vehicle vehicles within the locality boundaries of that unit to remove snow or ice from a roadway roadways by plowing or salting; are exempt 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 an ice emergency exists and additional assistance is required.

~~(d) Military Personnel. Active duty military 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. who operate commercial motor vehicles for military purposes are exempt and include the following:~~

(i) Active duty military members;

(ii) Military reserve members;

(iii) Active duty National Guard members, including full-time duty or part-time training personnel as well as military technicians (civilians required to wear military uniforms); and

(iv) Active duty U.S. Coast Guard personnel.

(e) Other Drivers. Drivers not listed in subsections (a) through (d) who operate a vehicle or vehicle combination having a gross vehicle weight rating of 39,001 pounds or more shall obtain a non-commercial Class C license with a (Z) endorsement.

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

(a) Exceptions.

(i) An application or a renewal-by-mail notice may be sent to a Wyoming resident who is temporarily out of state.

(a) (ii) ~~An application for renewal by mail~~ Renewal-by-mail notices shall be ~~mailed sent to an eligible licensee~~ licensees unless one or more of the following provisions apply:

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

(ii) (B) The applicant holds:

(A) (I) ~~A "valid without photo, and/or valid without signature" J-restricted (Valid without Photo and/or Signature) license, as provided in Section 8 of this chapter of rules and regulations of these rules; or~~

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

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

(iii) (C) The applicant is licensed as a temporary immigrant; or

(A) ~~Is licensed as a nonresident alien; or~~

(B) (D) ~~Has~~ The applicant legally changed his or her their name since the last license was last issued issuance.

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

(e) (b) Military Personnel Applications. 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)~~ five 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,” expiration~~ expiration waived when accompanied by an active duty military identification card (ID) for an imposed I-restricted (Limited Others) license, will be the licensee shall 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.

(iv) Renewal applications for active duty military personnel or their dependents, whether received in person or by mail, shall have the active duty status verified electronically by the Department.

(v) Renewal-by-mail applications the Department receives from active duty military personnel or their dependents, whether postmarked before or after the license expiration date, 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.

(vi) Renewal-by-mail applications the Department receives from active duty military personnel or their dependents shall be accompanied by an updated digital photograph of the applicant if the last photograph on file with the Department is greater than 10 years old.

(vii) If an applicant or a dependent no longer qualifies as active duty military and is applying in person or by mail for renewal of their Wyoming driver’s license that was issued previously with an out-of-state address, the applicant shall present two documents with a valid physical Wyoming address, in accordance with W.S. 31-7-111(a), dated within 45 days of the application date.

(c) Expired Renewal-by-Mail Applications.

(i) Unless received from active duty military personnel or their dependents, renewal-by-mail applications the Department receives more than 30 days after the license expiration date shall be denied and returned with the applicant’s enclosed fee.

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

Section 8. “Valid Without Photo” and/or “Valid Without Photograph and Signature” Requirements for Driver’s Licenses and Identification Cards (IDs).

(a) Wyoming REAL ID. To be accepted by a Federal agency for official purposes, Wyoming REAL ID driver’s licenses and IDs shall include the cardholder’s signature and full facial digital photograph on the front of the card. Photograph and signature standards shall comply with Title 6 C.F.R. Part 37.17 and the American Association of Motor Vehicle Administrators (AAMVA) standards.

(i) Photograph. The photograph shall exhibit a full facial frontal pose with both eyes visible and shall be taken pursuant to the following standards:

(A) The photograph may be in black and white or color.

(B) Lighting shall be equally distributed on the face.

(C) The face from crown to the base of the chin and from ear to ear shall be clearly visible and free from shadows.

(D) Veils, scarves, or headdresses shall not be permitted unless a person requests and is granted an exemption for medical or religious reasons. If an exemption is granted, such items shall not obscure any facial features and shall not generate shadows.

(E) The person shall not wear eyewear that obstructs the iris or pupil of the eyes nor take any action to obstruct a photograph of their facial features.

(F) When possible, the eyes shall appear with no dark shadows in the eye sockets caused by the brow. The iris and pupil of the eyes shall be clearly visible.

(G) Care shall be taken to avoid “hot spots” (bright areas of light shining on the face).

(H) A new photograph shall be taken at each in-person renewal unless the person requests the previous photograph be used for medical reasons, as long as the previous photograph was taken within the previous 10 years.

(ii) Signature. The cardholder’s signature shall be a digitally printed reproduction of the driver’s original signature.

(b) Valid without Photo and/or Signature (J-Restricted) Licenses. At its discretion, the Department may issue a temporary, J-restricted (Valid without Photo and/or Signature) license

under certain circumstances. Any license issued as J-restricted shall have the words “FEDERAL LIMITS APPLY” on the license, and the license shall not comply with the REAL ID Act of 2005, Public Law 109-13, Title 8 United State Code § 1101, *et seq.*

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

(i) Eligibility.

~~(b) (A) The “valid A valid without photo” Photo and/or “valid without signature” license Signature (J) restriction may be issued if:~~

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

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

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

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

~~(e) (B) A licensee who holds a commercial driver’s license (CDL) shall not be issued a “valid without photo” and/or “valid without signature” J-restricted license.~~

~~(d) (ii) Requirements for Surrendering J-Restricted Licenses. Any person Individuals holding a “valid without photo” and/or “valid without signature” J-restricted license shall surrender it within 30 days after returning to Wyoming; obtain a Wyoming license with a photograph, and/or signature, or both; and pay the required fee.~~

~~Section 9.~~ **Section 9. Restricted Class “C” or “Class M” Licenses.**

(a) Applications.

~~(a) (i) Any affidavit for a restricted Class “C” and/or “M” license shall be signed by the A parent or guardian having with legal custody and shall sign any affidavit (application) for a restricted Class C, Class M, or both license(s) and shall include a Wyoming Highway Patrol (WHP) finding by the Highway Patrol that extreme inconvenience actually exists exists. The affidavit shall also:~~

(ii) The application shall also:

~~(i) (A) Set forth the purpose or purposes purpose(s) for which the~~

applicant needs to drive;

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

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

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

(v) (iii) ~~Any other circumstance that~~ Other circumstances the Highway Patrol WHP finds is ~~are~~ 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~~ six months; and

(B) A signed statement from a qualified 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) Expiration.

~~(b)~~ (i) ~~Any applicant~~ Applicants 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~~ WHP.

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

~~Section 10.~~ **Section 10.** **Oaths.** Authorized driver's license examiners may accept all oaths, affidavits, or verifications required to obtain a license or permit or to include the gift of life designation, next of kin designation, medical alert designation, or veteran's designation.

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

~~Section 11.~~ **Section 11.** **Examinations.**

(a) Vision Screening. ~~All Applicants for~~ All Applicants for first-time and renewal driver's license applicants, ~~as well as applicants for licenses and~~ as well as applicants for licenses and instruction permits, may be required to pass a vision screening when issued a license or permit. ~~Applicants may also be required to pass a knowledge test of traffic regulations and traffic regulatory signs and/or demonstrate ability to~~

~~operate a motor vehicle of the class and type for which application is made. The driver's license examinations shall include a determination of legal qualifications to hold a driver's license. Any applicant who has not held a valid driver's license in the preceding 2 years, immediately prior to application, must take all knowledge tests and driving skills tests as required by the Department. The driver's license examiner may approve license issuance for the following:~~

(i) **Non-commercial drivers** if the vision screening given by an examiner, optometrist, or ophthalmologist dated within 12 months of the application shows:

(A) A minimum visual acuity of 20/40 with **both eyes**, with or without corrective lenses; and

(B) A total combined horizontal field of vision with **both eyes** of at least 120 degrees, or, if blind in one eye, at least 90 degrees in the other eye.

(ii) **Commercial drivers** if the vision screening given by an examiner, optometrist, or ophthalmologist dated within 12 months of the application shows:

(A) A minimum visual acuity of 20/40 with **each** eye, with or without corrective lenses; and

(B) A minimum horizontal field of vision of 70 degrees in **each** eye.

(C) Commercial drivers that do not meet the vision standards in this section shall have the CDL/CLP Intrastate Only (K) restriction imposed based upon the required vision screening or federal medical examiner's certificate from a qualified national registry doctor.

(D) Commercial drivers with monocular vision that do not meet the vision standards outlined in this section, but comply with the Federal Motor Carrier Safety Administration's (FMCSA) vision standard are eligible for interstate driving upon the Department's receipt of a federal medical examiner's certificate from a qualified national registry doctor that is valid for no more than one year from the date of certificate issuance.

(iii) **Applicants with a visual acuity of 20/50 or worse**, with or without correction, that demonstrate the ability to operate a motor vehicle safely, and the license is issued with the appropriate restrictions based upon the vision screening and driving skills test results.

(iv) **Applicants who previously failed the vision screening** if they present a written vision statement from an optometrist or ophthalmologist dated within the last three months showing an acuity as outlined in immediately preceding paragraph (i) or (ii) with or without corrective lenses.

(v) **Applicants with an eye disease or condition** diagnosed in a vision screening from an optometrist or ophthalmologist and who have license restrictions in place as recommended by the optometrist or ophthalmologist.

(b) Knowledge and Driving Skills Tests. The driver's license examinations shall include a legal qualifications determination to hold a license. Applicants may also be required to pass a knowledge test of traffic regulations and regulatory signs and demonstrate the ability to operate a motor vehicle of the class and type for which application is made.

(i) Applicants who have not held a valid driver's license in the particular class or type being applied for in the preceding two years immediately before applying shall take all knowledge and driving skills tests the Department requires. This section shall not apply to CDL holders who have been downgraded in accordance with Section 4(e)(ii)(B) of these rules on or after January 1, 2024, unless the CDL has been expired for two or more years in this or any other state.

(ii) A minimum grade of 80 percent shall be required to pass the knowledge test. Examiners shall give knowledge tests orally if determined necessary.

(b) (iii) ~~Any vehicle~~ Vehicles 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.

(e) (iv) At the examiner's discretion, the driving skills test may be waived for a first-time applicant for a ~~classified~~ graduated driver's license if the applicant presents a certificate signed ~~certificate of~~ by the teacher and school administrator within the previous two years showing completion from ~~of~~ a driver's education course approved by the Wyoming Department of Education or a driver training course certified by the Department of Transportation.

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

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

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

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

(iv) (D) 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* Department's rules);

and

(v) (E) Has at least ~~2 years~~ two years of experience operating a the same vehicle of the type and class for which application is being made, immediately within the preceding 12 months following discharge from the military, and was:

(A) (I) Regularly employed within the last ~~90 days~~ 12 months in a military position requiring ~~the commercial motor vehicle operation; and of a commercial motor vehicle (CMV);~~

(B) (II) ~~Was exempted~~ Exempted from CDL requirements in Title 49 CFR C.F.R. 383.3(c), and,

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

(F) To qualify for the waiver of the knowledge tests, has one of the below military occupational specialty or occupational classification:

(I) U.S. Army: 88M - Motor Transport Operator, 92F – Fueler, 14T - Patriot Launching Station Operator;

(II) U.S. Marine Corps: 3531 - Motor Vehicle Operator;

(III) U.S. Navy: EO - Equipment Operator ; or

(IV) U.S. Air Force: 2TI - Vehicle Operator, 2FO – Fueler, 3E2 - Pavement and Construction Equipment Operator.

(vi) ~~The applicant~~ Applicants shall also provide all other information required by ~~the FMCSR~~ Federal Motor Carrier Safety Regulations (FMCSR).

(e) (vii) When renewing a CDL, the licensee shall provide a vehicle representing the driver's license type and class for which application is being made so the Department can administer a driving skills test, if required. The written and driving skills testing requirements may be waived, upon the renewal of a commercial driver's license, except that: testing requirements FMCSR mandate may not be waived, and written and driving skills tests shall not be waived if the licensee has had any driver's license or driving privileges disqualified, revoked, or canceled.

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

(ix) At the examiner's discretion, applicants may be required to demonstrate their ability to operate a motor vehicle safely as required by W.S. 31-7-122.

~~(g) — Vision requirements:~~

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

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

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

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

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

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

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

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

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

(a) Agreements.

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

~~(i)~~ (ii) The agreement shall include, but is not limited to, the following ~~term~~ terms. The third-party ~~examiner~~ tester shall permit:

(A) The Federal Motor Carrier Safety Administration (FMCSA), or its representative, and the Department to conduct random examinations, inspections, and audits of company records, facilities, and operations relating to the third-party testing program, with or without prior notice;

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

~~(C) Transmit~~ The transmission of schedules and testing scores, both pass and fail, via the Commercial Skills Test Information System (CSTIMS) as prescribed by the CSTIMS user manual; ~~or the~~ The Department may also 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) Training and Certification.

(i) The third-party tester shall allow only those employees who complete the required Class A and B Third Party Training Certification Program and whom the Department certifies as third-party examiners to administer CDL skills tests and to issue skills test certificates.

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

(iii) Third-party examiners shall complete training and certification provided by the Department's Driver Services Program and have a certificate on file with the Department.

(c) Affidavits.

~~(e)~~ (i) ~~Any applicant for a commercial driver's license~~ CDL applicants who ~~passes~~ pass the driving skills test administered by an authorized ~~third party~~ third-party examiner shall provide evidence to the Department that ~~he or she has~~ they 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.~~

(ii) All affidavits presented in place of taking a driving skills test or submitting a CDL Test History form shall be signed by the person tested and dated within the validity period for the commercial learner's permit (CLP) the applicant held at the time of the test.

(iii) Affidavits shall not be accepted after the CLP expiration date.

(iv) A proper official of the legal entity having entered into a third-party tester agreement with the Department or a Wyoming driver's license examiner shall execute all affidavits.

(d) Examiner Requirements. Third party examiners shall:

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

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

(iii) Complete a nationwide criminal background check. The report results shall be filed with the Department; and

(iv) Shall not act as both the examiner and trainer-instructor of a skills test applicant.

~~(f) (e) Truck Driver Training Schools. A school~~ Schools intended to train truck drivers shall be eligible to become a third-party ~~tester~~ testers upon complying with the following:

(i) ~~The school~~ Schools shall be licensed with the Wyoming Department of Education, Private School Non-degree Program; and shall provide a copy of the license to the Wyoming 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) (ii) A third-party tester~~ Third-party testers or examiner examiners shall not charge any fee for skills tests administered, except those fees and tuition allowed by the

Wyoming Department of Education;

~~(iv)~~ (iii) ~~A third-party examiner~~ Third-party examiners shall test only individuals registered as students with ~~the school~~ schools licensed to act as a third-party ~~tester~~ testers;

~~(v)~~ (iv) ~~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)~~ (iv) ~~A truck~~ Truck driving ~~school~~ schools shall also comply with all provisions of preceding Section 12(a) through ~~(e-d)~~ of these ~~regulations~~ rules; and

~~(vii)~~ (v) ~~A third-party tester~~ Third-party examiners for a truck driving ~~school~~ schools shall ~~re-certify~~ recertify annually with the Department.

(f) Certification Cancellation.

~~(g)~~ (i) 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~~ (including Attachment A) as signed by the third-party tester have been violated.

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

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

(g) Other Requirements.

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

(ii) All private institutions or departments not covered by Section 12(e) shall employ a minimum of 25 drivers for Department certification as a third-party examiner.

~~Section 13.~~ **Section 13.** **Fees.**

(a) Commercial Driver's License (CDL) Testing Fees.

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

~~(i)~~ (ii) The applicant shall forfeit the required ~~commercial driver's license~~.

~~driving CDL skills test fee shall be forfeited by the applicant and not be 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 to cancel 24 hours before the scheduled time unless factors beyond the person's control cause the failure to appear (such as road closures or documented medical emergencies);

~~(B C) Failure of any portion of the required driving skills test; or~~

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

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

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

(b) Acceptable Payment Types. The Department shall accept personal checks for required fees if: the check is made payable to the Department, printed (not handwritten) with the name and current address of the check issuer, and for the required fee amount. The Department shall not accept two-party or payroll checks.

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

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

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

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

(c) Record Fees.

~~(d) (i) The fee for a driver's license record shall be \$5 \$10. Additionally, the Department shall charge \$2.50 for processing a driver's license record on the same business day if it is not requested in person at a driver's license location.~~

~~(e) (ii) The fee for a driver's license record requested and searched by electronic-medium electronically shall be \$5 \$10.~~

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

~~Section 14.~~ **Section 14.** **Driver Driver's License or Identification Card (ID) Not Delivered.**

(a) Returned as Undelivered to Department: ~~A~~ The Department shall hold a license or identification card ID returned to the Department as undelivered shall be held for at least 60 days from the date it was mailed by the Department mailed it. If the Department receives no inquiry within the 60 days, the license or ~~identification card shall~~ ID may be subject to cancellation canceled.

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

~~Section 15.~~ **Section 15.** **Grounds for Suspension.**

(a) Moving Violations. Moving violations used in one suspension action may be used in a subsequent suspension action if the record, by adding a new moving violation(s), shows at least four moving violations within a 12-month period (using the offense date of the violations).

(b) Repeat Violators.

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

(ii) The Department shall take the following actions with repeat violators:

(i) (A) Notify the person, in writing, that he or she has been convicted of 3 Provide written notification to violators regarding their three moving violations within a one year 12-month period (using the offense date of the violations) and identify the possible consequences of receiving additional moving violation convictions;

(ii) (B) Suspend the violator's 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 12-month period; and

(iii) (C) Suspend the violator's license for an additional 90 days upon receiving evidence of subsequent conviction(s) totaling 4four or more moving violations within

a ~~one-year~~ 12-month 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) Other Violations.

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

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

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

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

(iv) The Department shall suspend an individual's commercial driver's license (CDL) for 90 days for any CDL endorsement violations.

(v) A driver's license shall be reinstated upon payment of all state-required fees.

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

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

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

~~(A) — Legal age;~~

~~(B) — Nonresident status;~~

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

~~(D) — Failure to meet statutory requirements; or~~

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

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

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

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

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

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

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

~~(A) — The affliction no longer exists; or~~

~~(B) — The affliction is medically controlled.~~

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

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

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

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

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

(a) Disqualification.

(vii i) ~~Disqualification~~ Individuals disqualified under any of the commercial driver's license (CDL) provisions of W.S. 31-7-305 and W.S. 31-7-310. ~~The cancellation shall have the cancellation~~ become effective on the same date as the disqualification. A person shall be disqualified from operating a commercial motor vehicle for the following:

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

(A) Department receipt of a Federal Motor Carrier Safety Administration (FMCSA) disqualification for any violation listed under Title 49 C.F.R. Part 383.52. This disqualification shall commence immediately upon notification from FMCSA and remain in effect for as long as one year or until the Department receives notification from FMCSA the disqualification has ended.

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

(C) 120 days if convicted of three serious traffic violations in a commercial motor vehicle arising from separate incidents occurring within a three-year period.

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

(E) 120 days if convicted of three serious traffic violations in a non-commercial vehicle arising from separate incidents occurring within a three-year period only if the second or third conviction results in a suspension.

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

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

(A) ~~(I) —When he or she makes~~ A CDL shall not be issued until the Department receives a written request for reapplication, such person and investigates; additionally, the applicant shall comply with any restrictions and conditions imposed after the investigation. When writing to request reapplication, the applicant shall be subject to the

applicable requirements as defined in Section 16(d) and (e), Subsections (b) and (c) of this these rules chapter.

(B) No person shall be issued a new CDL until the Department ends or reduces the disqualification, and the applicant is otherwise eligible for a CDL.

~~(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.~~

~~(H I) A lifetime Lifetime disqualification for using a motor vehicle in the commission of while committing any felony involving the manufacture, distribution, manufacturing, distributing, 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.~~

(II) Lifetime disqualifications for using a commercial motor vehicle in the commission of any felony involving human trafficking under W.S. 6-2-702, W.S. 6-2-703, or any similar federal regulation shall not be reduced to 10 years.

~~(E C) Any person Individuals whose commercial driver's license with a CDL has been canceled because of by disqualification, but is who are otherwise eligible, may be issued a non- commercial driver's license.~~

~~(F D) All applicants who have been disqualified from operating a commercial motor vehicle and subsequently reinstated shall pass all required knowledge and skills tests and pay the required fees.~~

(b) Denials and Cancellations. Individuals shall be denied license issuance or have an existing license canceled for any of the following reasons:

(i) The person is not legally, physically, or mentally qualified to hold a license because of legal age or immigration status; previous disqualification, cancellation, denial, suspension, or revocation; failure to meet statutory requirements; or other reasons as may be described by Department policy, procedure, or other legal actions.

(ii) The Department receives a written medical statement from a qualified medical professional that the person is not medically, physically, or mentally capable of safe motor vehicle operation.

(A) This includes persons afflicted with a medical disorder resulting in loss, interruption, or lapse of consciousness, motor function, or both.

(B) The cancellation or denial shall not be reconsidered until the Department receives a written statement from a qualified medical professional stating the affliction no longer exists or is medically controlled.

(iii) The Department receives a written vision statement from an optometrist or ophthalmologist indicating the person's:

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

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

(C) For non-commercial drivers, total combined horizontal field of vision with both eyes is less than 120 degrees, or, if blind in one eye, less than 90 degrees in the other eye; or

(D) For commercial drivers, horizontal field of vision is less than 70 degrees in each eye.

(iv) A person proves unable to demonstrate ordinary and reasonable skills to operate a motor vehicle safely as evidenced by investigation results. Upon the examiner's recommendation, the person may:

(A) Apply for and receive an instruction permit, subject to any restrictions and conditions imposed by the Department;

(B) Hold the instruction permit for at least three months, and then

(C) Request, in writing, the Department investigate again to determine if a license will be issued;

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

~~(ix) — 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.~~

(c) Downgrades. Upon receiving notice from FMCSA that a driver is prohibited from operating a commercial motor vehicle because of an alcohol and controlled substance program violation, the Department shall initiate the downgrade process to remove the CLP or CDL privilege from the driver’s license within 60 days.

(d) Investigations.

~~(b) (i) The Department shall investigate the driving ability, character, and habits of an individual when he or she anyone who 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 if revocation resulted from conviction involving alcohol and/or a or controlled substance substances or documented evidence the Department holds that the person has an alcohol or a substance abuse problem. ~~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:~~~~

(ii) If Department investigation reveals any documented incidents in the interlock data log or convictions violating revocation, disqualification, or ignition interlock requirements and restrictions, within six months immediately preceding the scheduled investigation’s date, the Department may:

(A) Deny issuance of a new license;

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

(C) Require the person to do the following:

(I) Provide evidence of completing or current attendance in an approved treatment or counseling program for alcohol, controlled substances, or both within the six-month denial period;

(II) Not receive any convictions or violations involving use of alcohol or controlled substances during the five-year term of any license issued after the investigation is completed; and

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

(iii) Investigations may consist of a driving skills test in a vehicle representing the license type and class the applicant holds or for which the applicant is applying and any requirements or restrictions from an investigation completed under subsections (a) through (c) of

this section.

(iv) The Department shall investigate the driving ability, character, and habits of anyone who applies for reinstatement of commercial driving privileges after a lifetime disqualification. If a Department investigation reveals any of the following, the request shall be denied:

(A) The applicant has not yet served a full 10 years from the start date of the last lifetime disqualification;

(B) The applicant is no longer licensed in this state and has been convicted in another jurisdiction of an offense listed in Title 49 C.F.R. Part 383.51 that would result in an additional lifetime disqualification if still residing in Wyoming;

(C) The applicant fails to complete the documentation required by the Department within six months of receiving the applicant's request; or

(D) If any convictions resulting in the disqualification are related to alcohol or controlled substances and the applicant fails to provide evidence of successful completion of an appropriate rehabilitation program approved by the Department.

(v) The Department shall investigate a driver's driving ability, character, and habits at the specific request of law enforcement based upon observed impairment of the driver's mental, physical, or visual ability.

(e) Reinstatement.

(i) Licenses shall be denied or non-resident operating privileges shall not be restored until one of the following requirements is satisfied. The individual shall:

(i) (A) Submit a current alcohol and/or controlled substance evaluation with a recommended course of treatment and/or counseling, for alcohol, controlled substances, or both by a counselor certified by the Wyoming Department of Health, Substance Abuse Division, or an equivalent out-of-state agency with evidence of satisfactory completion or current attendance in a recommended treatment course or counseling program; This evaluation shall include information on whether the person is complying with the following:

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

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

(C) Provide verifiable evidence of their substantial compliance with W.S. 31-7-501 through W.S. 31-7-502 for the previous six months.

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

~~(A) Deny issuance of a new license;~~

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

~~(C) Require the person to do the following:~~

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

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

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

~~(e) (ii) Any person Individuals who violates a restriction violate restrictions imposed by the Department under Section 16(b) shall have the their license canceled and cannot apply for a new license until proof is submitted that:~~

~~(i) (A) The person has completed an approved inpatient alcohol and/or controlled substance program for alcohol, controlled substances, or both since the last known incident; or~~

~~(ii) (B) Is The person is currently enrolled in and making satisfactory progress in an alcohol and/or controlled substance a treatment program for alcohol, controlled substances or both since the last known incident.~~

~~(d) (iii) Any person Individuals who has have had a license revoked for a reason other than Section 16, (a) or (b) subsections (b) through (c), shall be denied a license until after the Department conducts completes an investigation, and the person complies with any restrictions imposed by the Department imposes as a result of resulting from the investigation.~~

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

(iv) Individuals whose CLP or CDL has been downgraded under Section 16(c) are required to complete the FMCSA prescribed return-to-duty process to have their commercial privileges reinstated as follows:

(A) If, before the Department completes and records the downgrade, the Department receives notification the CLP or CDL holder is no longer prohibited from operating a commercial motor vehicle, the Department shall terminate the downgrade process without removing the CLP or CDL privilege from the driver’s license; or

(B) If, after the Department completes and records the downgrade, the Department receives notification the driver is no longer prohibited from operating a commercial motor vehicle, the Department shall reinstate the driver’s CLP or CDL privilege.

(v) Any applicant whose commercial privileges have been downgraded for more than two years shall pass all required knowledge and skills tests and pay the required fees to obtain a CDL. This requirement shall not apply to applicants downgraded according to Section (4)(e)(ii)(B) of these rules on or after January 1, 2024.

~~Section 17.~~ **Section 17.** **Surrender of License or Permit.** A suspended, canceled, or revoked license or permit shall be considered surrendered when given to any Department Driver Services employee or law enforcement officer or when addressed and mailed to the Wyoming Department of Transportation, 5300 Bishop Boulevard, Cheyenne, Wyoming, 82009-3340, with an “Attention: Driver Services” line.

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

(a) Notification.

~~(a)~~ (i) Every person Individuals 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:~~

(ii) The notification shall advise the person that:

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

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

~~Section 19.~~ **Section 19.** **Requests for Contested Case Hearings or Record Reviews.** All requests 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 or sent electronically.

(a) Notification.

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

(ii) If the Department receives a request for a hearing or record review electronically, payment shall be made within 48 hours after the payment link is sent by the Department.

(iii) If, during the investigation process, the Department determines additional information is necessary after accepting the hearing request, the requestor may be required to provide information as the Department directs before referral to the Office of Administrative Hearings.

(b) Computation of Time.

(b) (i) ~~"Computation of Time."~~ The Department shall allow 5 five 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 five 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. unless law enforcement gives notices in accordance with W.S. 31-6-102.~~

(ii) If law enforcement does not give notice in person, the 20-day period to request a contested case hearing or record review 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.

(iii) If law enforcement gives notice in person, the 20-day period to request a contested case hearing or record review shall begin immediately, 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 Requests.

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

~~(i- ii)~~ (ii) 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~~ resulted from external factor factors beyond his or her the petitioner’s control.

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

(A) The petitioner holds an unexpired, permanent driver’s license;

(B) The petitioner is otherwise entitled to limited driving privileges; or

(C) The Department receives satisfactory written evidence indicating that failure to grant the limited driving privileges will cause undue hardship.

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

(d) Stay of Action.

~~(d)~~ (i) “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:~~

(ii) Stays shall continue as follows:

~~(i)~~ (A) 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)~~ (B) For a timely record review, the suspension dates are stayed for up

to 30 days from the date the record review is granted or a probationary driver's license for limited driving privileges is issued, as long as the individual still holds a permanent driver's license that is not expired or has not otherwise been withdrawn.

~~Section 20.~~ **Section 20.** **Probationary Licenses.**

(a) Conditions.

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

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

(B) Pays the required fee;

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

(iii) (D) ~~When required, the person shall submit~~ Submits a current alcohol ~~and/or controlled substance~~ evaluation for alcohol, controlled substances, or both by a counselor certified by the Wyoming Department of Health, Substance Abuse Division; ~~when required.~~ 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.

(I) The evaluation shall recommend, at a minimum, an alcohol and substance abuse class meeting the Wyoming Substance Abuse Standards.

(II) The probationary license shall be issued when the person is enrolled in a class to be completed no later than 30 days after the suspension start date, upon proof of successful class completion, or both.

(III) 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 a treatment program for alcohol, controlled substances, or both since the last known incident.

(~~iv~~ ii) Upon receiving an adverse counselor's report, the Department shall

deny or cancel the probationary license.

(b) Orders Granting Probationary Licenses.

(i) The Department shall issue a probationary license if the person is otherwise entitled to hold such a license and all required documents and fees have been received.

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

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

~~(ii)~~ (B) ~~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.~~

(C) Applicants shall pay additional fees for probationary licenses that require changes or reissuing because of their need to drive for circumstances not contained in the original application;

~~(iii)~~ (D) ~~The holder shall always carry the~~ probationary license and the order shall be carried by the person at all times when operating a motor vehicle-; and

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

~~(e) — 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.~~ **Section 21. Undue Hardship.**

(a) Conditions.

~~(a)~~ (i) ~~Subject to W.S. 31-7-105, an undue hardship exists if~~ a 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) (such as food, clothing, and shelter) and access to education.

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

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

~~(d b)~~ Eligibility. The undue hardship ~~can only apply~~ applies only to a person ~~individuals~~ having the hardship for purposes of driving ~~in the state of~~ if the individual holds a current Wyoming if: driver's license or current out-of-state license and is suspended in Wyoming.

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

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

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

~~Section 22.~~ **Section 22.** **Appeals to the Office of Administrative Hearings.** Individuals denied a probationary license after a Department record review or adversely affected by a Department record review decision are entitled to appeal the decision to the Office of Administrative Hearings. Persons appealing have 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).

~~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 are 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.~~ **Section 23.** **Driver's License Records.** Driver's license records include only those records as defined in Section 3 of these rules.

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

~~(a)~~ Content of Records.

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

~~(ii)~~ The driving history record shall reflect at least the following actions:

~~(i)~~ (A) All mandatory convictions, suspensions, revocations, or

disqualifications;

(ii) (B) Uninsured accidents and accident suspensions; and

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

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

(i) Upon an individual record holder’s expressed written request;

(ii) To a third party upon presentation of a signed release from the record holder;

(iii) Upon written request by law enforcement, a government agency, or court to carry out official functions; or

(iv) Those permitted disclosures allowed in Wyoming Department of Transportation Rules and Regulations, Motor Vehicles and Licensing, Chapter 7, Motor Vehicle Records and Privacy.

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

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

Section 24. Section 24. Application for Handicap Placards Disabled Placard Applications. Eligible individuals, as defined by W.S. 31-2-213(d)(ii), or any person or agency responsible for transporting eligible persons shall complete an application for a disabled placard. The eligible person’s proof of identity shall be required upon placard issuance.

(a) Applicant Information. ~~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~~ phone number. ;

(ii) Information about whether the applicant: is requesting placards (and the number of placards) or is obtaining vehicle plates from the county treasurer; and

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

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

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

(b) Medical Section. ~~The medical section shall be completed and signed by a A physician, physician's assistant, or an advanced practice registered nurse practitioner and shall complete the medical section, and the application shall be submitted to the Department.~~

(c) Eligibility.

~~(e)~~ (i) ~~Issuance of a handicap~~ Disabled placard issuance 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~~ disabled placard is subject to the terms and conditions set forth in Section 16 of ~~this~~ these rules ~~chapter~~.

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

(iii) Permanent disabled placard issuance requires the applicant to be a Wyoming resident. Non-residents who meet the qualification outlined in W.S. 31-2-213(g) shall be issued a temporary disabled placard.

~~Section 25.~~ **Section 25. Reinstatement After Child Support Suspensions.** Upon receiving notice from the court or the Department of Family Services, this Department of Transportation shall reinstate the obligor's Wyoming driver's license and driving privileges upon payment of the \$5 reinstatement fee if the license privileges are 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 the Department.

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

~~Section 26.~~ **Section 26.** **Ignition Interlock Restricted Licenses.**

(a) Requirements.

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

~~(b) (ii) Anyone applying~~ An application for an ignition interlock restricted license ~~must complete an application provided by the Department. For offenses on or after July 1, 2009,~~ an application for an ignition interlock restricted license shall be made only after the Department has received and entered receives a disposition from a court of an alcohol related conviction for W.S. 31-5-233, or W.S. 31-5-234, or other law prohibiting driving while under the influence as defined in W.S. 31-5-233(a)(v).

(iii) Persons required to apply for an ignition interlock restricted license according to W.S. 31-7-402(e) and residing in another state may meet the ignition interlock license requirement by completing the Department's ignition interlock program as long as the Department's terms are met for the period required by Wyoming law.

(iv) Applications for ignition interlock restricted licenses shall be made if the Department receives notice from the 24/7 administrator, pursuant to W.S. 31-7-502(b), that a person has failed to comply with the 24/7 Sobriety Program requirements or otherwise ceases to participate in the program before completing it after being given the opportunity to pursue the administrative procedures provided by W.S. 31-7-105.

~~(e b)~~ License Restrictions. ~~When an eligible applicant has completed applicants~~ complete all requirements for an ignition interlock restricted license, ~~and has provided~~ provide 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 licenses~~ shall contain:

(i) An expiration date with a period not to exceed ~~4~~ five years; ~~and~~

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

(c) Fees.

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

~~(i ii) In addition to any required reinstatement fees, the applicant will be required to~~ applicants shall pay a fee of \$100. This fee does not pertain to any ignition interlock restricted license applicant who qualifies as an indigent person as allowed in Section 26(d).

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

~~(f d) Indigent Persons.~~ Indigent Persons. 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~~ Supplemental Nutrition Assistance Program (SNAP) of the Wyoming Department of Family Services at the time of installation.

(ii) ~~After an individual has complied~~ complying with ~~section 33(e)~~ Section 26(d) of this rule, an individual may receive reimbursement from the Department for: ~~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.~~

(A) One half the installation cost if presented with a receipt from the ignition interlock service provider for the individual's total costs; and

(B) One half the monthly service fee costs if presented with a receipt from the ignition interlock service provider for the individual's total costs.

~~(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.~~

(iii) Receipts for reimbursement 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~~ reimbursement.

(v) ~~Eligibility for this payment reimbursement shall be for the period of time-~~
~~an~~ continue while the individual remains an active participant in the federal food stamp program
SNAP 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~~ of such ineligibility.

Section 27. 24/7 Restricted Licenses.

(a) Requirements.

(i) Individuals required to hold a 24/7 restricted license or those who are
otherwise eligible to hold an ignition interlock restricted license shall not be issued a commercial
driver' s license.

(ii) For offenses on or after July 1, 2019, applications for 24/7 restricted
licenses shall be made only after the Department receives a disposition from a court of an alcohol
related conviction for W.S. 31-5-233, W.S. 31-5-234, or other law prohibiting driving while
under the influence as defined in W.S. 31-5-233(a)(v).

(iii) Applicants shall provide the Department verifiable proof they have been
ordered to participate in the 24/7 Sobriety Program as an alternative to a mandated ignition
interlock requirement and they have enrolled in the program.

(b) License Contents. When eligible applicants complete all 24/7 restricted license
requirements, the Department shall issue the license. Such licenses shall contain:

(i) An expiration date with a period not to exceed five years; and

(ii) The restriction 24/7 on the license, which state: "Must maintain
compliance with court ordered 24/7 Sobriety Program as an alternative to IIR."

(c) Fees.

(i) Applicants shall pay any required reinstatement fees upon 24/7 restricted
license issuance and provide proof of financial responsibility.

(ii) In addition to any required reinstatement fees, applicants shall pay \$100.
This fee shall not pertain to applicants who qualify as indigent persons as allowed in Section
27(d).

(iii) Persons applying for removal of the 24/7 restriction after completing a
revocation period shall meet the requirements of preceding Section 16(d) of these rules before
24/7 restriction removal.

(d) Indigent Persons. The Department may waive the \$100 fee required in subsection (c)(ii) of this section for indigent persons, as defined in Section 26(d); however, all other requirements of Section 27 shall be met. Anyone requesting assistance under W.S. 31-7-501(c) upon application shall be an active participant in the federal Supplemental Nutrition Assistance Program of the Wyoming Department of Family Services.

~~Section 27.~~ **Section 28. Temporary Motorcycle License.** Upon application, the Department may issue a 90-day temporary motorcycle license, subject to the following restrictions and conditions.

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

~~(a) Examination and Issuance.~~ The applicant must shall pass a written examination; , be issued a paper temporary for a 90-day period, and pay the required fee.

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

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

~~(d b) Renewal.~~ The applicant may renew the temporary motorcycle license one time for an additional required fee, of \$3; After having held two temporary motorcycle licenses, an applicant shall retake any required written tests before being issued another temporary motorcycle license.

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

~~Section 28.~~ **Section 29. Motor Vehicle Safety Responsibility.**

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

(b) Insurance Cards.

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

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

(B) If the provider uses a bar code on its insurance cards, the bar code shall comply with American National Standards Institute (ANSI) ~~2~~ two-dimensional bar code standards available through the following: <http://www.ansi.org>. This rule includes no

amendments to the standard subsequent to the effective date of ~~July~~ January 1, 2008 2023.

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

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

(c) Insurance Verification System.

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

(ii) This compliance requirement does not apply to:

(A) Self-insurers pursuant to W.S. 31-9-414; ;

(B) Self-insurers pursuant to W.S. 31-9-415; ;

(C) Government vehicles as described by W.S. 31-4-103(d)(ii); ;

(D) Vehicles meeting the requirements of W.S. 31-9-408 and W.S. 31-9-409; ; or

(E) Commercial vehicles as described by W.S. 31-4-103(d)(iv).

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

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

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

~~(b) In order to be approved, a motor vehicle accident prevention~~

~~course must:~~

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

~~(A) Accident preventability;~~

~~(B) Defensive Driving Techniques;~~

~~(C) Alcohol and substance abuse;~~

~~(D) The aging process;~~

~~(E) Driver attitude; and~~

~~(F) Traffic laws of the State of Wyoming.~~

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

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

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

COMMENT SUMMARY
CHAPTER 1
DRIVER’S LICENSES AND MOTOR VEHICLE SAFETY
MOTOR VEHICLES AND LICENSING SECTION

The Wyoming Department of Transportation (WYDOT) received one public comment for Chapter 1, Driver’s Licenses and Motor Vehicle Safety, from the *Wyoming Department of Transportation Rules and Regulations* Motor Vehicles and Licensing Section. The public comment period occurred from March 7, 2024, to April 29, 2024

SECTION 16: GROUNDS FOR DISQUALIFICATION, DENIAL, DOWNGRADE, OR CANCELLATION

Comment: Intoxalco requests clarification as to the intent of Section 16(d) and Section 16(e) regarding the possible extension of an individual’s ignition interlock requirement to meet a compliance threshold for reinstatement. The commenter also states they are supportive if the intent of the rule is to extend the use of an ignition interlock to meet reinstatement requirements. Finally, the commenter requests clarification of Section 16(d)(ii)(A) regarding what the consequences are should an individual’s new license be denied due to violating ignition interlock requirements, specifically if the individual would lose all driving privileges or if they would be allowed to maintain their restricted ignition interlock license.

Response: Regarding the intent of Section 16(d) and (e), WYDOT cannot speak to legislative intent and sees the intent of Section 16(d) and (e) as speaking for itself. A driver must adhere to Section 16(e) to reinstate their license or non-resident operating privileges, which includes the option, per Section 16(e)(i)(B), to show proof of substantial compliance with an interlock restricted license (per W.S. 31-7-401 through W.S. 31-7-404) to achieve reinstatement. Per Section 16(e)(iii), individuals whose license is revoked for reasons other than Section 16(b), Denials and Cancellations, and Section 16(c), Downgrades, must undergo an investigation, per Section 16(d), to reinstate their license. However, a violation of their interlock license in the preceding six months of the investigation may result in consequences outlined in W.S. 31-7-401 through W.S. 31-7-404, including the possible revocation of their interlock license. It should be noted that in both W.S. 31-7-404 and Section 16(d) of these rules, revoking an interlock license as a consequence of violation is up to WYDOT’s discretion.

Regarding Section 16(d)(ii)(A), the consequences are as stated that an individual applying for reinstatement may be denied issuance of a new driver’s license if WYDOT investigation reveals any documented incidents in the interlock data log or convictions violating revocation, disqualification, or ignition interlock requirements and restrictions within the six months immediately preceding the scheduled investigation. Convictions violating interlock requirements, per W.S. 31-7-401 through W.S. 31-7-404, may result in WYDOT revoking a person’s ignition interlock restricted license upon any violation of W.S. 31-7-404 or W.S. 31-5-233 or monthly reports from a licensee’s ignition interlocking device data logger indicating that the licensee is habitually attempting to operate a vehicle while impaired.

Recommendation: Transportation Commission adoption of Chapter 1, Driver’s Licenses and Motor Vehicle Safety.