

ORIGINAL SENATE
FILE NO. 0018

ENROLLED ACT NO. 18, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

AN ACT relating to commercial driving; regulating the issuance of commercial drivers licenses; specifying prohibited acts; providing and amending penalties; exempting from deferred prosecution provisions commercial drivers charged with specified violations involving motor vehicles; requiring the disclosure of specified information; requiring compliance with federal, state and local laws; amending definitions; amending legal references; repealing an unnecessary statute; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 7-13-301 by creating a new subsection (f), 31-1-101(a)(xv)(H), 31-7-102(a)(xxiii) and (xl), 31-7-304(f), 31-7-305(a)(vi), (vii), by creating new paragraphs (viii) and (ix), (g)(i), (ii) and by creating a new subsection (o), 31-18-605(a)(iv), (v), by creating a new paragraph (vi) and (d) and 31-18-607(b) and by creating a new subsection (c) are amended to read:

7-13-301. Placing person found guilty, but not convicted, on probation.

(f) This section shall not apply to any person holding any class of commercial driver's license pursuant to W.S. 31-7-304(a)(i), nor to the driver of any commercial motor vehicle as defined by W.S. 31-7-102(a)(viii), who is charged with any offense specified in W.S. 31-7-305.

31-1-101. Definitions.

(a) Except as otherwise provided, as used in this act:

ORIGINAL SENATE
FILE NO. 0018

ENROLLED ACT NO. 18, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

(xv) "Motor vehicle" means every vehicle which is self-propelled except vehicles moved solely by human power or motorized skateboards. The term includes the following vehicles as hereafter defined:

(H) "School bus" means a motor vehicle that is owned by, ~~or~~ leased to or registered to a public school district, a private school or a carrier under contract to a public or private school and is used to transport children to or from school or in connection with school activities and is designed for and capable of carrying twelve (12) or more passengers, but not including buses operated by common carriers in transportation of school children; ~~or buses owned by a community college or the University of Wyoming;~~

31-7-102. Definitions.

(a) As used in this act:

(xxiii) "Hazardous materials" means as defined in the ~~Hazardous Materials Transportation Act, 49 App. U.S.C. § 1803 (49 U.S.C. § 5102)~~ federal motor carrier safety regulations, 49 C.F.R. 383.5;

(xl) "School bus" means every motor vehicle that is owned by, ~~or~~ leased to or registered to a public school district, a private school or a carrier under contract to a public or private school and is used to transport children to or from school or in connection with school activities and is designed for and capable of carrying sixteen (16) or more passengers, but not including buses operated by common carriers in transportation of school children; ~~or buses owned by a community college or the University of Wyoming;~~

31-7-304. Issuance; classifications and endorsements.

ORIGINAL SENATE
FILE NO. 0018

ENROLLED ACT NO. 18, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

(f) Before issuing or renewing a commercial driver's license or at any time before an applicant's current federal medical qualification certificate expires, the department shall require that the applicant present a current federal medical qualification certificate.

31-7-305. Disqualification and cancellation; right to a hearing.

(a) Any person is disqualified from driving a commercial motor vehicle for a period of not less than one (1) year if convicted of a first violation arising from separate incidents of:

(vi) Driving a commercial vehicle when, as a result of prior convictions, the driver's driving privileges are cancelled, suspended or revoked, or the driver is disqualified from operating a commercial motor vehicle;~~or~~

(vii) Causing a fatality through the negligent operation of a commercial vehicle, including but not limited to homicide by motor vehicle, negligent homicide, motor vehicle manslaughter or a similar local ordinance or similar state law from another jurisdiction;~~i-~~

(viii) Driving or being in actual physical control of a motor vehicle while the alcohol concentration of the person's blood, breath or other bodily substance is eight one-hundredths of one percent (0.08%) or more; or

(ix) Violating any local ordinance or state law in another jurisdiction which is substantially similar to any of the violations listed in this subsection.

ORIGINAL SENATE
FILE NO. 0018

ENROLLED ACT NO. 18, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

(g) A driver who is convicted of violating an out-of-service order may be disqualified for a period of:

(i) Not less than ~~ninety (90) days~~ one hundred eighty (180) days nor more than one (1) year if the driver is convicted of a first violation of an out-of-service order;

(ii) Not less than ~~one (1) year~~ two (2) years nor more than five (5) years if, during any ten (10) year period, the driver is convicted of two (2) separate violations of out-of-service orders in separate incidents;

(o) A person may be disqualified from driving a commercial motor vehicle, or the department may downgrade a person's commercial driver's license to a noncommercial driver's license, if the person fails to provide a current federal medical qualification certificate when requested by the department.

31-18-605. Stopping requirements for certain vehicles at railroad crossings.

(a) The driver of any motor vehicle carrying passengers for hire or of any vehicle carrying a cargo or part of a cargo required to be placarded under United States department of transportation regulations, before crossing at grade any track or tracks of a railroad, shall:

(iv) Upon proceeding, cross the tracks without manually shifting gears and only in a gear of the vehicle which does not require manually changing gears while traversing the crossing; ~~and~~

(v) After crossing the tracks, cancel the four-way hazard flashers; ~~and~~ and

ORIGINAL SENATE
FILE NO. 0018

ENROLLED ACT NO. 18, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

(vi) Comply with all other federal, state or local laws or regulations pertaining to railroad-highway grade crossings.

(d) A driver or employer of a driver who is convicted of violating this section, or an employer who knowingly allows, requires, permits or authorizes a driver to violate this section, shall also be subject to the civil penalties provided by 49 C.F.R. 383.53, as amended as of March 1, 2007.

31-18-607. Out-of-service orders.

(b) A driver or employer of a driver convicted of violating an out-of-service order issued to the driver, the employer or a motor carrier, or an employer who knowingly allows, requires, permits or authorizes a driver to violate an out-of-service order issued to the driver, the employer or a motor carrier, shall be subject to the civil penalties specified by 49 C.F.R. 383.53, as amended as of ~~March 1,~~ July 5, 2007.

(c) As used in this section, the term "out-of-service order" means as defined by W.S. 31-7-102(a)(xxxii).

Section 2. W.S. 31-7-305(n) is repealed.

ORIGINAL SENATE
FILE NO. 0018

ENROLLED ACT NO. 18, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
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Section 3. This act is effective July 1, 2011.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk