

SENATE FILE NO. SF0018

Federal Motor Carrier Safety Act Compliance.

Sponsored by: Joint Transportation, Highways and Military
Affairs Interim Committee

A BILL

for

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

11

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

13

14 **Section 1.** W.S. 7-13-301 by creating a new subsection
15 (f), 31-1-101(a)(xv)(H), 31-7-102(a)(xxiii) and (xl),
16 31-7-304(f), 31-7-305(a)(vi), (vii), by creating new

1 paragraphs (viii) and (ix), (g)(i), (ii) and by creating a
2 new subsection (o), 31-18-605(a)(iv), (v), by creating a
3 new paragraph (vi) and (d) and 31-18-607(b) and by creating
4 a new subsection (c) are amended to read:

5
6 **7-13-301. Placing person found guilty, but not**
7 **convicted, on probation.**

8
9 (f) This section shall not apply to any person
10 holding any class of commercial driver's license pursuant
11 to W.S. 31-7-304(a)(i), nor to the driver of any commercial
12 motor vehicle as defined by W.S. 31-7-102(a)(viii), who is
13 charged with any offense specified in W.S. 31-7-305.

14
15 **31-1-101. Definitions.**

16
17 (a) Except as otherwise provided, as used in this
18 act:

19
20 (xv) "Motor vehicle" means every vehicle which
21 is self-propelled except vehicles moved solely by human
22 power or motorized skateboards. The term includes the
23 following vehicles as hereafter defined:

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

10
11 **31-7-102. Definitions.**

12
13 (a) As used in this act:

14
15 (xxiii) "Hazardous materials" means as defined
16 in the ~~Hazardous Materials Transportation Act, 49 App.~~
17 ~~U.S.C. § 1803 (49 U.S.C. § 5102)~~ federal motor carrier
18 safety regulations, 49 C.F.R. 383.5;

19
20 (xl) "School bus" means every motor vehicle that
21 is owned by, ~~or~~ leased to or registered to a public school
22 district, a private school or a carrier under contract to a
23 public or private school and is used to transport children
24 to or from school or in connection with school activities

1 and is designed for and capable of carrying sixteen (16) or
2 more passengers, but not including buses operated by common
3 carriers in transportation of school children; ~~or buses~~
4 ~~owned by a community college or the University of Wyoming,~~
5

6 **31-7-304. Issuance; classifications and endorsements.**
7

8 (f) Before issuing or renewing a commercial driver's
9 license or at any time before an applicant's current
10 federal medical qualification certificate expires, the
11 department shall require that the applicant present a
12 current federal medical qualification certificate.
13

14 **31-7-305. Disqualification and cancellation; right to**
15 **a hearing.**
16

17 (a) Any person is disqualified from driving a
18 commercial motor vehicle for a period of not less than one
19 (1) year if convicted of a first violation arising from
20 separate incidents of:
21

22 (vi) Driving a commercial vehicle when, as a
23 result of prior convictions, the driver's driving
24 privileges are cancelled, suspended or revoked, or the

1 driver is disqualified from operating a commercial motor
2 vehicle;~~or~~

3
4 (vii) Causing a fatality through the negligent
5 operation of a commercial vehicle, including but not
6 limited to homicide by motor vehicle, negligent homicide,
7 motor vehicle manslaughter or a similar local ordinance or
8 similar state law from another jurisdiction;~~;~~

9
10 (viii) Driving or being in actual physical
11 control of a motor vehicle while the alcohol concentration
12 of the person's blood, breath or other bodily substance is
13 eight one-hundredths of one percent (0.08%) or more; or

14
15 (ix) Violating any local ordinance or state law
16 in another jurisdiction which is substantially similar to
17 any of the violations listed in this subsection.

18
19 (g) A driver who is convicted of violating an out-of-
20 service order may be disqualified for a period of:

21
22 (i) Not less than ~~ninety (90) days~~ one hundred
23 eighty (180) days nor more than one (1) year if the driver

1 is convicted of a first violation of an out-of-service
2 order;

3
4 (ii) Not less than ~~one (1) year~~ two (2) years
5 nor more than five (5) years if, during any ten (10) year
6 period, the driver is convicted of two (2) separate
7 violations of out-of-service orders in separate incidents;

8
9 (o) A person may be disqualified from driving a
10 commercial motor vehicle, or the department may downgrade a
11 person's commercial driver's license to a noncommercial
12 driver's license, if the person fails to provide a current
13 federal medical qualification certificate when requested by
14 the department.

15
16 **31-18-605. Stopping requirements for certain vehicles**
17 **at railroad crossings.**

18
19 (a) The driver of any motor vehicle carrying
20 passengers for hire or of any vehicle carrying a cargo or
21 part of a cargo required to be placarded under United
22 States department of transportation regulations, before
23 crossing at grade any track or tracks of a railroad, shall:

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

5

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

8

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

12

13 (d) A driver or employer of a driver who is convicted
14 of violating this section, or an employer who knowingly
15 allows, requires, permits or authorizes a driver to violate
16 this section, shall also be subject to the civil penalties
17 provided by 49 C.F.R. 383.53, as amended as of March 1,
18 2007.

19

20 **31-18-607. Out-of-service orders.**

21

22 (b) A driver or employer of a driver convicted of
23 violating an out-of-service order issued to the driver, the
24 employer or a motor carrier, or an employer who knowingly

1 allows, requires, permits or authorizes a driver to violate
2 an out-of-service order issued to the driver, the employer
3 or a motor carrier, shall be subject to the civil penalties
4 specified by 49 C.F.R. 383.53, as amended as of ~~March 1,~~
5 July 5, 2007.

6

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

9

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

11

12 **Section 3.** This act is effective July 1, 2011.

13

14 (END)