

SENATE FILE NO. SF0051

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 driver's licenses; amending
2 commercial driver's license statutes to comply with federal
3 law; renaming commercial driver instruction permits;
4 amending definitions; amending renewal and waiting periods;
5 providing age limits; amending skills tester requirements;
6 specifying the form of permits; specifying when commercial
7 driver's license applicants are disqualified; and providing
8 for an effective date.

9

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

11

12 **Section 1.** W.S. 7-19-106(a)(xvi), 7-19-201(a)(xviii)
13 and by creating a new paragraph (xxi), 31-7-102(a)(viii),
14 (xxv), (xlv), by creating a new paragraph (xlviii) and by
15 renumbering (xlviii) as (xlix), 31-7-108(d), 31-7-110(e),
16 31-7-111(a), (b)(iv) and (f), 31-7-113(a)(vii), 31-7-114(e)

1 and (f)(i) and by creating new paragraphs (iii) through
2 (vi), 31-7-115(a)(ii) and by creating new subsection (c),
3 31-7-123, 31-7-133(a)(vii), 31-7-304 by creating a new
4 subsection (g) and 31-7-305 by creating new subsections (p)
5 and (q) are amended to read:

6
7 **7-19-106. Access to, and dissemination of,**
8 **information.**

9
10 (a) Criminal history record information shall be
11 disseminated by criminal justice agencies in this state,
12 whether directly or through any intermediary, only to:

13
14 (xvi) The department of transportation for
15 purposes of dealer and wholesaler licensing and permitting
16 under title 31, chapter 16 and for purposes of performing
17 background checks required by W.S. 31-7-103(b) and
18 31-7-114(f)(iv);

19
20 **7-19-201. State or national criminal history record**
21 **information.**

1 (a) The following persons shall be required to submit
2 to fingerprinting in order to obtain state and national
3 criminal history record information:

4
5 (xviii) Employees, prospective employees and
6 volunteers of the Wyoming department of transportation, as
7 necessary to perform the background checks required by W.S.
8 31-7-103(b) and 31-7-114(f)(iv);

9
10 (xxi) Persons conducting skills testing under
11 W.S. 31-7-114(f)(iv).

12
13 **31-7-102. Definitions.**

14
15 (a) As used in this act:

16
17 (viii) "Commercial vehicle" or "commercial motor
18 vehicle" means ~~a motor~~ any vehicle ~~designed~~ or vehicle
19 combination used in commerce to transport passengers or
20 property if the motor vehicle:

21
22 (A) Has a gross vehicle combination weight
23 rating or gross combination weight of twenty-six thousand
24 one (26,001) or more pounds, whichever is greater,

1 inclusive of a towed unit or units with a gross vehicle
2 weight rating or gross vehicle weight of more than ten
3 thousand (10,000) pounds, whichever is greater; or

4
5 (B) Is designed to transport sixteen (16)
6 or more passengers, including the driver; or

7
8 (C) Is of any size and is used in the
9 transportation of hazardous materials ~~found to be hazardous~~
10 ~~for the purposes of the Hazardous Materials Transportation~~
11 ~~Act and which require the motor vehicle to be placarded~~
12 ~~under the Hazardous Material Regulations (49 CFR Part 172,~~
13 ~~Subpart F).~~ as defined in W.S. 31-7-102(a)(xxiii); or

14
15 (D) Has a gross vehicle weight rating or
16 gross vehicle weight of twenty-six thousand one (26,001)
17 pounds or more, whichever is greater.

18
19 (xxv) "License", "driver's license", "commercial
20 driver's license", "instruction permit", "commercial
21 learner's permit" or "intermediate permit" means a license
22 or permit secured by a person from the division, in
23 accordance with this act which grants the privilege to

1 drive or operate a motor vehicle on the public highways,
2 streets and roads of this state;

3

4 (xlv) "Tank vehicle" means any commercial motor
5 vehicle that is designed to transport any liquid or gaseous
6 materials within a tank ~~that is either permanently or~~
7 ~~temporarily attached to the chassis of the vehicle. Such~~
8 ~~vehicles include, but are not limited to, cargo tanks and~~
9 ~~portable tanks. However, this definition does not include~~
10 ~~tanks having a rated capacity under one thousand (1,000)~~
11 ~~gallons or tanks having an individual rated capacity of~~
12 ~~more than one hundred nineteen (119) gallons and an~~
13 ~~aggregate rated capacity of one thousand (1,000) gallons or~~
14 ~~more which are either permanently or temporarily attached~~
15 ~~to the vehicle or the chassis. A commercial motor vehicle~~
16 ~~transporting an empty storage container tank, not designed~~
17 ~~for transportation, with a rated capacity of one thousand~~
18 ~~(1,000) gallons or more that is temporarily attached to a~~
19 ~~flatbed trailer is not considered a tank vehicle;~~

20

21 (xlviii) "Commercial learner's permit" means a
22 permit issued to an individual which, when carried with a
23 valid driver's license issued in accordance with this act,
24 authorizes an individual to operate a commercial motor

1 vehicle when accompanied by a passenger holding a valid
2 commercial driver's license for the class and type of
3 vehicle being driven.

4
5 ~~(xlvi)~~(xlix) "This act" means W.S. 31-7-101 through
6 31-7-313.

7
8 **31-7-108. Persons not to be licensed; investigation**
9 **by the division.**

10
11 (d) Subject to W.S. 31-7-313, a commercial driver's
12 license or commercial ~~driver instruction~~learner's permit
13 shall not be issued to a person while the person is subject
14 to a cancellation, revocation, suspension or
15 disqualification from driving a commercial motor vehicle.

16
17 **31-7-110. Instruction and temporary driver's permits.**

18
19 (e) Any person who holds a valid Wyoming classified
20 driver's license and who is at least eighteen (18) years of
21 age may apply to the division for a commercial ~~driver~~
22 ~~instruction~~learner's permit. The division may, after the
23 person has successfully passed all required examination,
24 other than the driving skills examination and paid the

1 required fee, issue to the person a commercial ~~driver~~
2 ~~instruction~~ learner's permit, which entitles the person to
3 drive a commercial motor vehicle on a highway only when
4 accompanied by a person who has a commercial driver's
5 license valid for the type of vehicle driven and who
6 occupies a seat beside the person for the purpose of giving
7 instruction in driving the commercial motor vehicle. The
8 commercial ~~driver instruction~~ learner's permit may not be
9 issued for a period to exceed ~~one (1) year~~ one hundred
10 eighty (180) days and only one (1) renewal may be granted
11 ~~within a two (2) year period~~ for an additional period of
12 one hundred eighty (180) days. Every person holding a
13 commercial driver's license shall obtain a commercial
14 learner's permit prior to upgrading their commercial
15 driver's license to a higher class type, adding an
16 endorsement or removing a restriction which requires a
17 skills test.

18

19 **31-7-111. Application for license or permit**
20 **generally.**

21

22 (a) Every application for an instruction permit,
23 driver's license, commercial driver's license or commercial
24 ~~driver instruction~~ learner's permit shall be made upon a

1 form furnished by the division. Every application shall
2 be accompanied by the proper fee, proof of residence and
3 proof of identity. Proof of identity shall be established
4 by a certified copy of the applicant's birth certificate,
5 valid unexpired United States passport, consular report of
6 birth abroad, certificate of citizenship, certificate of
7 naturalization, permanent resident card, employment
8 authorization document, foreign passport (with United
9 States visa affixed and accompanied by an approved document
10 documenting the applicant's most recent admittance to the
11 United States), state issued driver's license or
12 identification card which complies with federal law and
13 applicable regulations, or other document required by the
14 division to establish identity where reasons beyond the
15 applicant's control prevent the applicant from presenting
16 the documents required by this subsection.

17

18 (b) The application shall include:

19

20 (iv) The person's social security number or
21 other numbers or letters deemed appropriate on applications
22 for instruction permits, driver's licenses, commercial
23 driver's licenses and commercial ~~driver—instruction~~
24 learner's permits;

1

2 (f) No person shall be issued a driver's license
3 within ten (10) days of issuance of an instruction or
4 temporary driver's permit for the same vehicle class. A
5 commercial driver's license issued after a commercial
6 learner's permit shall be subject to the time restrictions
7 stated in W.S. 31-7-304(g).

8

9 **31-7-113. Fees.**

10

11 (a) The following fees are imposed:

12

13 (vii) Commercial ~~driver instruction~~ learner's
14 permit.....\$20.00

15

16 **31-7-114. Examinations.**

17

18 (e) No person may be issued a commercial driver's
19 license or commercial learner's permit unless the person is
20 a resident of this state and has passed a knowledge and
21 skills test for driving a commercial motor vehicle as
22 prescribed by rules and regulations of the department which
23 shall at a minimum include the standards established by the
24 secretary of the United States department of

1 transportation. Except as provided in subsections (f) and
2 (g) of this section, the tests shall be prescribed and
3 conducted by the department. The written test for a
4 hazardous materials endorsement shall be taken and passed
5 if the person seeks to retain the "H" endorsement
6 authorized under W.S. 31-7-304(a)(ii)(A).

7
8 (f) The department may authorize a person, including
9 an agency of this or another state, an employer, a private
10 driver training facility or other private institution, or a
11 department, agency or instrumentality of local government
12 including fire departments to administer the skills test
13 specified by subsection (a) of this section, provided:

14
15 (i) The test is the same which the department
16 would administer;~~and~~

17
18 (iii) A third party tester who is not a division
19 of the state is bonded in an amount and as required by
20 rules adopted by the department;

21
22 (iv) Fingerprints and other necessary
23 information is provided by, and a federal bureau of
24 investigation's criminal background check is conducted on,

1 every person conducting skills testing on and after January
2 1, 2014 and on an annual basis thereafter;

3
4 (v) No skills test is conducted on a student or
5 graduate of a commercial vehicle training school by any
6 commercial vehicle training school examiner who provided
7 instruction to the student or graduate; and

8
9 (vi) Every person conducting a skills test shall
10 conduct no less than ten (10) skills tests per year. Any
11 skills tester who performs less than ten (10) tests per
12 year shall be subject to recertification pursuant to rules
13 adopted by the department.

14
15 **31-7-115. Issuance, description and contents.**

16
17 (a) Upon the satisfactory completion of any required
18 examination, the division shall issue to every qualifying
19 applicant a driver's license, and:

20
21 (ii) The commercial driver's license and
22 commercial ~~driver's instruction~~learner's permit shall be
23 marked "Commercial Driver's License" or "CDL";

1 (c) Any permit issued in connection with a commercial
2 learner's permit shall be issued on a separate document
3 which shall comply with all security measures required by
4 the department to comply with applicable federal law.

5
6 **31-7-123. Authority of division to cancel license or**
7 **permit.**

8
9 The division may cancel any driver's license, ~~or~~
10 instruction permit or commercial learner's permit upon
11 determining that the licensee or permittee was not entitled
12 to the license or permit, that the licensee or permittee
13 failed to give the required or correct information in his
14 application, that the license or permit has been altered or
15 upon receipt of a written statement from a licensed
16 treating physician or optometrist stating that the licensee
17 or permittee is not capable of safely operating a motor
18 vehicle. The licensed treating physician or optometrist
19 may request an examination by the division under W.S.
20 31-7-122.

21
22 **31-7-133. Unlawful use of license.**

1 (a) It is an unlawful use of a license and is a
2 misdemeanor for any person to:

3
4 (vii) Drive a vehicle in violation of the
5 endorsements on his driver's license, ~~or~~ commercial
6 driver's license or commercial learners, instruction or
7 temporary permit.

8
9 **31-7-304. Issuance; classifications and endorsements.**

10
11 (g) Before applying for a commercial driver's
12 license, an applicant shall have held a commercial
13 learner's permit in this state or another state for not
14 less than fourteen (14) days.

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

18
19 (p) If an applicant for a commercial driver's license
20 or a commercial learner's permit has been found to have
21 made a false application or been convicted of making a
22 false application, the applicant may have his commercial
23 driver's license or commercial learner's permit cancelled

1 and be disqualified from operating a commercial motor
2 vehicle for a period of sixty (60) days.

3
4 (g) Upon the department receiving credible
5 information that the holder of a commercial driver's
6 license or commercial learner's permit is suspected of
7 obtaining the license in a fraudulent manner, the state
8 shall notify the license holder in writing at the address
9 on file that they have thirty (30) days to contact the
10 department and schedule retesting. The notification shall
11 specify what tests must be retaken. If the license holder
12 does not contact the department, does not take the test
13 required or fails any rescheduled test, the license holder
14 shall have his license cancelled. Once cancelled, the
15 license holder shall be required to reapply to the
16 department to obtain a commercial driver's license or
17 commercial learner's permit.

18
19 **Section 2.** This act is effective January 1, 2014.

20
21 (END)