



Certification Page
Regular and Emergency Rules
 Revised May 2014

Emergency Rules *(After completing all of Sections 1 and 2, proceed to Section 5 below)*

Regular Rules

1. General Information

a. Agency/Board Name		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Contact Person		f. Contact Telephone Number
g. Contact Email Address		h. Adoption Date
i. Program		

2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

If "New," provide the Enrolled Act numbers and years enacted:

c. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed <i>(Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification)</i>		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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 Repealed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 Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

d. The Statement of Reasons is attached to this certification.

e. If applicable, describe the **emergency** which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

3. State Government Notice of Intended Rulemaking

- a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the **Secretary of State**:
- b. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Legislative Service Office**:
- c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Attorney General**:

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. Yes No N/A
- b. A public hearing was held on the proposed rules. Yes No

	If "Yes:"	Date:	Time:	City:	Location:

5. Final Filing of Rules

- a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature**:
- b. Date on which final rules were sent to the **Legislative Service Office**:
- c. Date on which a PDF of the final rules was electronically sent to the **Secretary of State**:

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

<i>Signature of Authorized Individual (Blue ink as per Rules on Rules, Section 7)</i>	
<i>Printed Name of Signatory</i>	
<i>Signatory Title</i>	
<i>Date of Signature</i>	

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.

<i>Governor's Signature</i>	
<i>Date of Signature</i>	

Attorney General: 1. Statement of Reasons; 2. Original Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; and 5. Memo to Governor documenting emergency (for emergency rules only).

LSO: 1. Statement of Reasons; 2. Copy of Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; 5. Electronic copy of rules (PDFs) emailed to Criss.Carlson@wyoleg.gov: clean and strike/underscore; and 6. Memo to Governor documenting emergency (for emergency rules only).

SOS: 1. PDF of clean copy of rules; and 2. Hard copy of Certification Page as delivered by the AG.

WYOMING DEPARTMENT OF TRANSPORTATION

STATEMENT OF REASONS

MOTOR CARRIER SECTION

CHAPTER 1, MOTOR CARRIERS

Chapter 1, Motor Carriers, is a revised rule and regulation of the Wyoming Department of Transportation. This rule and regulation is promulgated by authority of W.S. 24-2-105, W.S. 31-5-1701, W.S. 31-18-104(a)(vi), and W.S. 31-18-303 to supervise and regulate the operation of motor carriers as set forth in the Wyoming Commercial Vehicle Act (W.S. 31-18-101 through W.S. 31-18-903).

This revised rule and regulation applies legislative changes from the 2015 Wyoming Legislature to comply with current statutes, especially pertaining to non-consensual towing. Other changes update definitions, revise safety and equipment standards, clarify letter of authority or other requirements, and remove or revise the bulk of the appendix.

Some of the proposed changes also reduce content in keeping with the governor's continuing rules reduction initiative (especially content not required by statute, not needed to conduct agency business, or referenced elsewhere).

WYOMING DEPARTMENT OF TRANSPORTATION

STATEMENT OF REASONS

MOTOR CARRIER SECTION

CHAPTER 2, RADIOACTIVE WASTE TRANSPORTATION BY MOTOR CARRIER

Chapter 2, Radioactive Waste Transportation by Motor Carrier, is a revised rule and regulation of the Wyoming Department of Transportation. This rule and regulation is promulgated by authority of W.S. 24-2-105 and W.S. 37-14-103 to provide an understandable interpretation of the undefined portion of W.S. 37-14-103.

The proposed revisions reduce content in keeping with the governor's continuing rules reduction initiative (especially content not required by statute, not needed to conduct agency business, or referenced elsewhere).

WYOMING DEPARTMENT OF TRANSPORTATION

STATEMENT OF REASONS

MOTOR CARRIER SECTION

CHAPTER 3, INSURANCE REQUIREMENTS

Chapter 3, Insurance Requirements, is a revised rule and regulation of the Wyoming Department of Transportation. This rule and regulation is promulgated by authority of W.S. 24-2-105 and W.S. 31-18-104 to provide a uniform and understandable interpretation of W.S. 31-18-209.

Proposed revisions adjust minimum insurance amounts as required by federal law and remove burdensome “triplicate” filing requirements. Several sections found in Wyoming statute are removed.

The proposed revisions also reduce content in keeping with the governor’s continuing rules reduction initiative (especially content not required by statute, not needed to conduct agency business, or referenced elsewhere).

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Wyoming Department of Transportation
Motor Carriers

CHAPTER 1

Section 1. Authority and Purpose.

These rules of practice and procedure are promulgated by authority of W.S. 24-2-105, W.S. 31-5-1701, W.S. 31-18-104(a)(vi), and W.S. 31-18-303 to supervise and regulate the operation of motor carriers as set forth in the Wyoming Commercial Vehicle Act (W.S. 31-18-101 through W.S. 31-18-903).

Section 2. Definitions.

(a) Definitions as set forth in W.S. 31-18-101 shall apply insofar as all terms used in these sections are concerned. All terms used in these rules and regulations shall be construed as defined in Wyoming statutes and the rules and regulations of the Department.

(b) “Department” means the Wyoming Department of Transportation (WYDOT).

(c) “Interstate commerce” means trade, traffic, or transportation in the United States between a place in a state and a place outside of such state (including a place outside of the United States); between two places in a state through another state or a place outside the United States; or between two places in a state as part of trade, traffic, or transportation originating or terminating outside the state or the United States (49 C.F.R. 390.5).

(d) “Letter of authority” or “order” means a document issued under this act by the Department, granting intrastate authority to a person to operate a motor vehicle as a motor carrier transporting persons or property.

(e) “Nonconsensual tow” means transportation of a vehicle when a tow carrier is selected without the consent or knowledge of the vehicle’s owner, possessor, agent, insurer, lien holder, or any other person legally possessing or in charge of the vehicle. This movement includes transporting or towing the vehicle under lawful circumstances or necessity for the public interest, including removal from roadways to preserve public safety or following accidents, and for removal from public or private property as a result of abandonment or unauthorized parking by the property owner, agent, possessor, or other legal entity for the property owner.

(f) “Person” means individuals, associations of individuals, firms, partnerships, companies, corporations, limited liability corporations, their lessees, trustees, or receivers, appointed by any court whatsoever in the singular number as well as the plural.

(g) “Recovery” means the retrieval of any vehicle that has been damaged or is inoperable or incapable of moving on its own power, generally speaking by using a commercial vehicle known as a recovery vehicle or tow truck (not to include Class “R” vehicles). Recovery means winching, hoisting, up-righting, removing, or otherwise relocating a vehicle when the vehicle is found in such a location, state, or position that it could not be removed from the location, state, or position under the use of its own power, even if it were in complete operating condition. The vehicle does not have to be damaged.

(h) “Tow” means to pull or haul a vehicle with a recovery vehicle or tow truck to a place of safekeeping.

(i) A “tow and recovery vehicle” (also called a “wrecker” or “recovery vehicle” or “tow truck”) means a truck altered or designed and equipped for and primarily used to move disabled, improperly parked, impounded, or otherwise indisposed motor vehicles. This may involve recovering a vehicle damaged in an accident, returning a vehicle to a drivable surface after a mishap or inclement weather, or towing or transporting a vehicle on a flatbed to a repair shop or other location.

Section 3. **Exemptions.**

(a) The provisions of these rules **do not apply** to those exemptions as set forth in W.S. 31-18-103.

(b) Privately owned motor vehicles used in making nonprofit, educational, or religious tours of the state are exempt from obtaining operating authority.

Section 4. **Communications, Addresses, and Notices.**

(a) All applications, written communications, and documents shall be addressed to the Wyoming Department of Transportation, Motor Vehicle Services Program, Regulatory Section, 5300 Bishop Boulevard, Cheyenne, Wyoming 82009-3340; telephone, (307)777-4850; fax, (307)777-4772; or email: mvs@wyo.gov. All applications, communications, and documents are deemed officially received only when delivered at the offices of the Motor Vehicle Services Program Regulatory Section.

(b) Carriers shall report changes of address for their principal place of business to the Department immediately.

(c) All required notices mailed to a carrier shall be presumed received if mailed to the carrier's last known address as shown on Department records

Section 5. Carrier Records.

(a) All motor carriers holding operating authority in Wyoming shall keep and maintain adequate records in keeping with all applicable federal regulations.

(b) All records the Department requires shall be available for inspection or audit by any authorized WYDOT representative. The carrier shall, at its own expense, forward such records to the Department upon the request of an authorized representative.

Section 6. Towing and Recovery Vehicles.

(a) Classes of tow and recovery vehicles. All tow and recovery vehicles shall be inspected by the Wyoming Highway Patrol and classified as follows:

(i) **Class "A"** – Tow and recovery vehicles designated as Class "A" shall service only vehicles that allow the tow vehicle to be operated within legal weight limits, but at no time exceeding 26,000 pounds gross combined vehicle weight (GCVW), and meet the specifications for Class "A" tow vehicles listed in Section 6, paragraph (b)(i) of this chapter.

(ii) **Class "B"** – Tow and recovery vehicles designated as Class "B" shall service only vehicles not exceeding 26,000 pounds gross vehicle weight (GVW) or gross combined vehicle weight (GCVW) and meet the specifications for Class "B" tow vehicles in Section 6, paragraph (b)(ii) of this chapter.

(iii) **Class "C"** – Tow and recovery vehicles designated as Class "C" shall service only vehicles exceeding 26,000 pounds gross vehicle weight (GVW) or gross combined vehicle weight (GCVW) and meet the specifications for Class "C" tow and recovery vehicles found in Section 6, paragraph (b)(iii) of this chapter.

(iv) **Class "L"** – Tow and recovery vehicles designated as Class "L" shall be considered "light duty" and typically used by dealerships and repair shops to retrieve customer's vehicles for repair. Class "L" tow vehicles shall not be used for recovery operations. Class "L" tow vehicles shall meet the specifications in Section 6, paragraph (b)(iii) of this chapter and are not eligible for the Wyoming Highway Patrol Nonconsensual Tow and Recovery Rotation List.

(v) Class “R” tow and recovery vehicles meeting the specifications in Section 6, paragraph (b)(iv) of this chapter shall be referred to as “rollbacks.”

(b) The following specifications shall be required of the individual tow vehicle classes. A boom, tow cradle, tow plate, or tow sling is not required if a rollback vehicle is used.

(i) Class “A” tow and recovery vehicles shall have:

(A) A minimum gross vehicle weight rating (GVWR) of not less than 10,000 pounds.

(B) Individual boom capacity of not less than 8,000 pounds when retracted, as rated by the manufacturer.

(C) An individual power take off (PTO) or hydraulic power winch with a rating of not less than 8,000 pounds, as rated by the manufacturer with at least 100 feet of 3/8 inch cable drum.

(D) A manufactured under-lift with a retracting lifting capacity of not less than 3,500 pounds when retracted and a minimum tow rating of 7,500 pounds, as rated by the manufacturer, with safety chains.

(E) Dual rear wheels.

(F) Additional safety equipment as specified by federal and state regulations.

(ii) Class “B” tow and recovery vehicles shall have:

(A) A towing vehicle chassis with a manufacturer’s capacity of 21,000 pounds or greater gross vehicle weight rating (GVWR).

(B) An individual boom capacity of not less than 24,000 pounds when retracted.

(C) An individual power take off (PTO) or hydraulic power winch with a rating of not less than 12,000 pounds, as rated by the manufacturer with at least 150 feet of 7/16 inch cable.

(D) A wheel underlift tow rating of at least 20,000 pounds and a lift rating of at least 9,000 pounds when retracted.

(E) Light and air-brake hookups.

(F) Additional safety equipment as specified by federal and state regulations.

(iii) Class "C" tow and recovery vehicles shall have:

(A) A gross vehicle weight rating of at least 35,000 pounds.

(B) A double boom capacity of not less than 20,000 pounds each or a single boom capacity of not less than 40,000 pounds.

(C) A winch capacity of not less than 40,000 pounds equipped with at least 175 feet of 9/16-inch independent wire cable.

(D) Auxiliary air brake lines and hoses connected to buses, tractors, trailers, or other towed vehicles when required as a matter of public safety.

(E) Dual rear wheels and tandem axle drive or super single tires and wheels with tandem axle drive.

(F) An under-lift tow rating of at least 26,000 pounds, and a lift rating of at least 24,000 pounds when retracted (if so equipped); **or** a tow sling or tow bar lift with a rating of at least 24,000 pounds.

(iv) Class "L" tow and recovery vehicles shall have:

(A) A minimum gross vehicle weight rating (GVWR) not to exceed 15,000 pounds;

(B) Individual boom capacity of not less than 5,000 pounds, as rated by the manufacturer;

(C) An individual PTO or hydraulic power winch capacity, if equipped, of not less than 5,000 pounds, as rated by the manufacturer, with at least 75 feet of 3/8 inch cable drum; or or a manufactured wheel-lift with a retracting lifting capacity of not less than 3,500 pounds when retracted, as rated by the manufacturer, with safety chains; or an "integrated boom" with a lifting capacity of not less than 3,500 pounds, as rated by the manufacturer, with safety chains;

(D) Single or dual rear wheels; and
(E) Additional safety equipment as specified by federal and state regulations.

(v) Class "R" tow and recovery vehicles shall have:

(A) A minimum gross vehicle weight rating (GVWR) of not less than 12,000 pounds;

(B) Not less than an 8,000 pound winch, as rated by the manufacturer, with at least 50 feet of 3/8 inch cable or larger; and

(C) A bed or box capable of carrying a vehicle with no part of the carried vehicle in contact with the roadway and a minimum bed load rating of 10,000 pounds.

(D) Additional safety equipment as specified by federal and state regulations.

(c) Lighting requirements.

(i) The following lighting shall be required and may be contained within a commercially manufactured light bar:

(A) At least one red light, or a combination of red and blue lights, visible from all sides when in operation. These lights shall be used only as authorized by W.S. 31-5-928(g).

(B) At least two high-intensity amber lights contained in a light bar or display a revolving amber light, amber strobe light, or 2 two-way flashing amber lights at least 4 inches in diameter on the vehicle. LED assemblies meeting the visibility requirements shall be allowed. These lights shall be clearly visible at least 1,000 feet from the front and rear of the vehicle and be mounted as high as practical.

(ii) Towed vehicles shall display working tail lights, turn signals, and stop lights that shall be visible from the rear and controlled by the towing vehicle's operator.

(d) Additional equipment requirements. All tow and recovery vehicles shall comply with the following:

(i) All safety equipment prescribed by the U.S. Department of Transportation Safety Regulations within C.F.R. Title 49, as adopted for commercial vehicles by WYDOT.

(ii) Adequate equipment capable of removing glass and other debris as prescribed in W.S. 31-5-117(b).

(iii) A trailer used as a recovery or removal operations vehicle shall comply with the following:

(A) Not exceed the allowable loaded weight as indicated by the manufacturer (gross vehicle weight rating);

(B) When pulled by a power unit in a recovery operation, the power unit shall meet the lighting and safety requirements outlined in subsections 5(c) and 5(d); and

(C) When the power unit is **not** being used in a recovery or removal operation, the emergency lighting as defined by W.S. 31-5-928(f) and W.S. 31-5-928(g) (flashing red, white, and blue lights) shall be covered.

(iv) Winches, wheel lifts, cradles, tow plates, tow slips, and booms shall be built by a manufacturer of such equipment and shall not be “homemade.”

(v) Tow and recovery vehicles equipped with fixed booms and/or “true-hitch” are not authorized for recovery operations.

(vi) Come-a-longs, chains, or other similar devices shall not be used as substitutes for winch and cable.

(e) Restrictions.

(i) All tow and recovery vehicles shall be operated in compliance with all traffic laws and regulations.

(ii) All persons engaged in towing and recovery within the rights-of-way of federal-aid highways shall wear safety apparel meeting federal safety requirements for visibility.

(iii) Motor carriers operating tow and recovery vehicles not meeting the requirements of these rules may be subject to Department disciplinary action that may result in, but is not limited to, the revocation or cancellation of the carrier’s operating authority.

(iv) All tow and recovery vehicles are subject to all applicable federal and state commercial vehicle statutes and rules and regulations.

(v) The Wyoming Highway Patrol has statutory authority to spot check any tow and recovery vehicle for registration, fuel licensing, letter of operating authority, weight violations, and commercial vehicle/driver inspections.

(vi) If directed by state statutes, tow and recovery vehicles shall stop at Wyoming ports-of-entry.

(vii) No tow and recovery vehicle operator shall transport, nor allow to be transported, any passengers in any vehicle towed, recovered, or hauled by a wrecker, recovery vehicle, or rollback. Passengers from these vehicles being transported in the tow and recovery vehicle shall be considered authorized.

(viii) No operator, employee, or individual used by a tow and recovery carrier in a nonconsensual tow and recovery operation shall be a member, or affiliate, of any federally identified criminal organization.

(f) Nonconsensual towing and recovery

(i) All nonconsensual towing and recovery practices shall be in accordance with these rules and regulations of the Department, all applicable state and federal laws and regulations, and the Wyoming Highway Patrol's *Non Consensual Towing and Recovery Procedures* (incorporated by reference).

(ii) Any code, standard, rule, or regulation incorporated by reference does not include any later amendments or editions of the incorporated matter beyond the applicable data identified in subsection (iii) of this section.

(iii) The Wyoming Highway Patrol *Non Consensual Towing and Recovery Procedures* are incorporated by reference, effective January 15, 2016, and may be found at the following: www.whp.dot.state.wy.us. These procedures may also be requested from the Wyoming Highway Patrol in writing at 5300 Bishop Boulevard, Cheyenne, Wyoming, 82009; by telephone at (307)777-4301; or by fax at (307)777-4282.

(g) Application for letter of authority.

(i) Before performing a tow and recovery service as a private or contract motor carrier, the owner or lessee of the tow and recovery vehicle shall apply for and receive

letters of private and contract authority from WYDOT. The application shall be submitted on forms the Department furnishes.

(ii) After receiving the application but before issuing the letter of authority, the Department shall cause an inspection of the tow and recovery vehicle. A copy of the inspection shall be sent to the Regulatory Section to be placed in the carrier's file. To receive a letter of authority, the tow and recovery vehicle shall meet the specifications for the class requested, and the owner or lessee shall certify that the information furnished is correct.

(h) Inspection.

(i) In addition to any roadside inspections initiated by WHP, described in Section 6(e)(f) of this rule, the Department shall cause an annual inspection between January 1 and June 30 to determine the condition of the tow and recovery vehicle and its equipment. A copy of the inspection form shall be sent to the Regulatory Section to be placed in the carrier's file, and another copy shall be carried in the vehicle.

(ii) Tow vehicles not meeting rule requirements at the annual inspection or under inspections found in Section 6(e)(5) of this rule may have their letter of authority revoked and canceled.

(i) Special provisions.

(i) In an emergency, peace officers are authorized to use any qualified or nonqualified equipment necessary.

(ii) Peace officers, while performing their duties, shall not be responsible to pay for services performed by tow and recovery vehicle operators.

Section 7. **Cancellation of Authority and Reapplication.**

When WYDOT cancels an authority for good cause or failure to file prescribed evidence of insurance, the carrier shall file a new application for authority and pay the filing fee.

Section 8. **Leasing Requirements.**

(a) (Qualifications of Leased Motor Vehicles.) All motor vehicles leased by a carrier shall be qualified by the lessee to operate under that carrier. When motor vehicles owned by one carrier holding operating authority from WYDOT are leased to another person, a copy of the lessee's current letter of authority shall be carried in the power unit. During the

lease term, the lessee shall have complete control of the leased motor vehicle and shall be fully responsible for its operation, in accordance with the applicable statutes, laws, and regulations—including the requirements of these rules and regulations concerning equipment safety and inspection and insurance coverage.

(b) (Terms and Conditions of the Lease.) All leases shall be in writing and signed by the parties to it. Leases shall specify the term (the period of time the lease is to be in effect) and the consideration to be paid by the lessee.

(i) During the entire lease term a carrier shall at all times carry an original, a certified copy, or a photocopy of the lease in each vehicle covered by the lease so that it may be available for inspection by Department representatives or other authorized persons.

(ii) The Department shall at all times have the right to examine all motor vehicle equipment leases and approve or disapprove them.

(c) (Regulation of Equipment Leasing.) When it appears that a carrier and a shipper or any other combination of persons might use a lease arrangement to evade some aspect of regulation within WYDOT jurisdiction, an investigation shall be instituted and a formal complaint issued if necessary. If the Department determines that the lessor and lessee entered into a motor vehicle equipment lease to avoid regulation by Wyoming statutes or Department rules and regulations, WYDOT may request the Attorney General to institute proceedings in the courts of the state or take whatever action it deems necessary and proper.

Section 9. **Safety Regulations.**

(a) The Department requires all motor carriers, as defined in W.S. 31-18-101, and carriers in interstate commerce, as defined in 49 C.F.R. 390.5, to comply strictly with:

(i) All Wyoming laws pertaining to safe operation and such rules and regulations promulgated by the Wyoming Department of Transportation.

(ii) The following hazardous materials regulations of the United States Department of Transportation: 49 C.F.R. Parts 105 through 107, 109, 110, 130, and 171 through 180.

(iii) The following motor carrier safety regulations of the United States Department of Transportation: 49 C.F.R. Parts 40, 303, 325, 350, 355, 356, 360, and 365 through 399 for interstate transportation and as amended in the appendix to these rules for intrastate transportation.

(b) WYDOT shall conduct audits and inspections as needed to enforce state and federal laws related to interstate and intrastate motor carrier operations. The Department's authorized employees or agents may enter, inspect, and examine any lands, buildings, and equipment of motor carriers subject to this section to inspect and copy any accounts, books, records, and documents to administer and enforce state and federal laws related to motor carrier operation provided:

(i) WYDOT's authorized employees or agents shall schedule an appointment with the motor carrier before entering, inspecting, or examining any facility or records of a motor carrier; but

(ii) If the Department's authorized employees or agents believe that a violation is involved and that a scheduled appointment would compromise the detection of the alleged violation, no appointment is necessary.

(iii) A motor carrier shall submit its lands, buildings, and equipment for inspection and examination and shall submit accounts, books, records, and documents for inspection and copying in accordance with this section.

(c) When a motor carrier receives a compliance review, the motor carrier shall receive one of the following ratings:

(i) Satisfactory: The carrier may be required to submit a letter of compliance within a designated period of time to WYDOT. A follow up compliance review may be conducted.

(ii) Unsatisfactory: The carrier shall be required to submit a letter of compliance to the Department within 30 days. A follow-up compliance review shall be conducted. If the carrier fails to receive a satisfactory rating, the Department shall take further action against it for noncompliance.

(d) These regulations shall authorize placing a driver out-of-service for driving or working in excess of hours of service or any other conditions identified in the federal safety standards and found by WYDOT to contribute to unsafe operations. These regulations shall additionally authorize placing a vehicle out-of-service because of mechanical or operational dysfunction causing a vehicle to be unsafe under federal safety standards. These regulations shall abide by established federal safety standards.

Section 10. Regulations for Bills of Lading.

(a) For-hire motor carriers shall use and carry in their motor vehicles at all times uniform bills of lading showing all property being transported. The carrier shall deliver copies to both consignor and consignee and retain a copy for Department inspection.

(b) Private motor carriers are not required to carry in their motor vehicles a bill of lading or other shipping document, except when transporting a hazardous material as required in 49 C.F.R. 177.817 as adopted by the Department. The requirement for intrastate private carriers shall be governed by the appendix to these rules and regulations.

Section 11. Hearings and Appeals.

Practice and procedure for hearings before the Department shall be as provided in Chapter 3, General Section, of the *Wyoming Department of Transportation Rules and Regulations*.

Appendix to Chapter 1, Motor Carriers

This appendix consists of Wyoming-specific cross-references, changes, omissions, and additions to 49 C.F.R. Parts 40, 303, 325, 350, 355, 356, 360, and 365-399.

The cross-references set forth below are of general application throughout the rules reproduced in this appendix and shall be applied except when the context of the rule clearly requires otherwise.

- (a) References to “state” shall mean the State of Wyoming.
- (b) References to “Interstate” shall mean “Intrastate.”
- (c) References to “farms” and “farmers” shall include “ranches” and “ranchers.”
- (d) References to “Federal” shall mean “Wyoming.”

(e) References to such federal persons and entities such as “Secretary,” “Federal Highway Administrator” or “Administration,” “Regional Director,” “District Director,” and other similar references shall mean the Wyoming Department of Transportation (WYDOT), its employees, and its duly designated agents, including the Wyoming Highway Patrol enforcing these rules pursuant to W.S. 31-18-701(b). WYDOT, in order to promote efficiency in government and to avoid duplication of skills, personnel, and effort, may designate other personnel to provide technical expertise and assistance to the Department as the need arises.

Section 390.5 Definitions. All definitions set forth in W.S. 31-18-101 are incorporated herein by this reference. In addition, in this appendix and for the purposes of these rules:

“Agricultural growing season” means January 1 to December 31 of any calendar year.

“Air-mile” means an international nautical mile of approximately 6,076 feet measured in a straight line and not on an over-the-road basis.

“Commercial motor vehicle” means as defined in W.S. 31-18-1.

Section 390.21(b)(2) is changed to read:

The motor carrier identification number, if issued by the Federal Highway Administration, shall be preceded by the letters "USDOT." When issued for Wyoming intrastate carriers, the number shall be preceded by "USDOT" and followed by the suffix "WY," as in the following example: USDOT 123456 WY.

Section 390.23.

The Wyoming Department of Transportation directs any motor carrier seeking relief from Section 395.3(b) to contact the Wyoming Highway Patrol in writing to request such relief.

The Wyoming Department of Transportation shall recognize emergency relief exemptions as declared by the President of the United States, the Governor of a state, or authorized designees or representatives having authority to declare emergencies, when such emergencies are declared as prescribed in federal regulations.

Section 391.11(b)(1) is changed to read:

- (1) is at least 18 years old;

Section 395.1(e) is changed to read:

(e) 150 air-mile radius driver. A driver is exempt from the requirements of §395.8 if:

- (1) The driver operates within a 150 air-mile radius of the normal work reporting location;

Wyoming Department of Transportation
Motor Carriers

CHAPTER 1

Section 1. **Authority and Purpose.**

These rules of practice and procedure are promulgated by authority of W.S. 24-2-105, W.S.31-5-1701, W.S. 31-18-104(a)(vi), and W.S. 31-18-303 to supervise and regulate the operation of motor carriers as set forth in the Wyoming Commercial Vehicle Act (W.S. 31-18-101 through W.S. 31-18-903).

Section 2. **Definitions.**

(a) Definitions as set forth in ~~the Wyoming Commercial Vehicle Act (W.S. 31-18-101) through W.S. 31-18-903)~~ shall apply insofar as all terms used in these sections are concerned. All terms used in these rules and regulations shall be construed as defined in Wyoming statutes and the rules and regulations of the Department.

~~(b) “Compensation” means money or other recompense given, either directly or indirectly, for the transportation of persons or property by a motor carrier.~~

~~(c) “Contract motor carrier” means any person engaged in the intrastate transportation of persons or property by motor vehicle on state highways for compensation.~~

~~(d)~~ “Department” means the Wyoming Department of Transportation (WYDOT).

~~(c e)~~ “Interstate commerce” means trade, traffic, or transportation in the United States between a place in a state and a place outside of such state (including a place outside of the United States); between two places in a state through another state or a place outside the United States; or between two places in a state as part of trade, traffic, or transportation originating or terminating outside the state or the United States (49 C.F.R. 390.5).

~~(d f)~~ “Letter of authority” or “order” means a document issued under this act by the Department, granting intrastate authority to a person to operate a motor vehicle as a motor carrier transporting persons or property.

~~(g) “Material changes” means whenever the mode of transportation or the material~~

~~transported is changed from that listed on the original permit.~~

(e) “Nonconsensual tow” means transportation of a vehicle when a tow carrier is selected without the consent or knowledge of the vehicle’s owner, possessor, agent, insurer, lien holder, or any other person legally possessing or in charge of the vehicle. This movement includes transporting or towing the vehicle under lawful circumstances or necessity for the public interest, including removal from roadways to preserve public safety or following accidents, and for removal from public or private property as a result of abandonment or unauthorized parking by the property owner, agent, possessor, or other legal entity for the property owner.

(f) “Person” means individuals, associations of individuals, firms, partnerships, companies, corporations, limited liability corporations, their lessees, trustees, or receivers, appointed by any court whatsoever in the singular number as well as the plural.

~~(i) “Private motor carrier” means any person engaged in business and operating a vehicle that has a gross vehicle weight exceeding 26,000 pounds who, without compensation, transports intrastate over state highways his employees or property of which the person is the owner, lessee, or bailee, used to further any commercial enterprise. As used in this paragraph, “commercial enterprise” means activities of those persons engaged in the exchange, purchase, or selling of commodities or rendering a service in related financial transactions.~~

~~(j) “Rules,” unless the context clearly requires otherwise, means the *Wyoming Department of Transportation Rules and Regulations*, of which this chapter is a part.~~

(g) “Recovery” means the retrieval of any vehicle that has been damaged or is inoperable or incapable of moving on its own power, generally speaking by using a commercial vehicle known as a recovery vehicle or tow truck (not to include Class “R” vehicles). Recovery means winching, hoisting, up-righting, removing, or otherwise relocating a vehicle when the vehicle is found in such a location, state, or position that it could not be removed from the location, state, or position under the use of its own power, even if it were in complete operating condition. The vehicle does not have to be damaged.

~~(k) “Taxi service” means the transportation of persons on a call and demand expedited basis between one point and another point, over irregular routes, on an individual fare basis, not exceeding seven passengers.~~

(h) “Tow” means to pull or haul a vehicle with a recovery vehicle or tow truck to a place of safekeeping.

~~(l) —“Towing and recovery service” means transporting upon the highways of Wyoming damaged, disabled, or abandoned vehicles, together with personal effects or cargo. Wrecker service, tow car service, and garage tow truck service or hauling by rollback vehicles are synonymous and shall be termed “towing and recovery service.” Anyone towing a vehicle not his or her own is a commercial carrier.~~

(i) A “tow and recovery vehicle” (also called a “wrecker” or “recovery vehicle” or “tow truck”) means a truck altered or designed and equipped for and primarily used to move disabled, improperly parked, impounded, or otherwise indisposed motor vehicles. This may involve recovering a vehicle damaged in an accident, returning a vehicle to a drivable surface after a mishap or inclement weather, or towing or transporting a vehicle on a flatbed to a repair shop or other location.

~~(m) —A “wrecker” or “tow vehicle” is any motor vehicle altered or designed and equipped for and primarily used for the purpose of towing, or hauling vehicles by means of a crane, hoist, tow bar, dolly, or rollback.~~

~~(n) —The following combinations shall be regarded as one motor vehicle for insurance rules only: a tractor and trailer or semi-trailer when the tractor is engaged solely in drawing the trailer or semi-trailer and a truck and trailer when both together bear a single load.~~

Section 3. **Exemptions.**

(a) The provisions of these rules **do not apply** to those exemptions as set forth in W.S. 31-18-103.

(b) Privately owned motor vehicles used in making nonprofit, educational, ~~and~~ or religious tours of the state are exempt from obtaining operating authority.

~~(c) —The Wyoming Commercial Vehicle Act does not apply when transportation by motor vehicle is entirely on nonstate highways. Any transportation using a state highway in part or in whole is subject to the act.~~

Section 4. **Communications, Addresses, and Notices.**

(a) All applications, written communications, and documents shall be addressed to the Wyoming Department of Transportation, Motor Vehicle Services Program, Regulatory Section, 5300 Bishop Boulevard, Cheyenne, Wyoming 82009-3340; telephone, 307.777.4850; fax, 307.777.4772; or email: mvs@wyo.gov. All applications, communications, and documents are deemed officially received only when delivered at the

offices of the Motor Vehicle Services Program Regulatory Section.

~~(b) — When communicating with WYDOT, every carrier shall refer to the name shown upon the letter of authority.~~

(b e) Carriers shall report changes of address for their principal place of business to the Department immediately.

~~(c d) All required notices mailed to a carrier shall be presumed received if mailed to the carrier's last known address as shown on Department records. A second notice by registered or certified mail shall fulfill state requirements for the sufficiency of notices under the Wyoming Commercial Vehicle Act in case the postal service returns the first notice.~~

~~Section 5. — **Remittances.**~~

~~(a) — Any remittances required by W.S. 31-18-209 may be made by money order, bank draft, or certified check payable to the Wyoming Department of Transportation. Personal checks shall be accepted, subject to collection, if the drawer has a satisfactory check record with WYDOT.~~

~~(b) — Remittances in currency or coin are wholly at the risk of the remitter. The Department assumes no responsibility for loss of currency or coin sent by mail.~~

Section 5 6. **Carrier Records.**

(a) All motor carriers holding operating authority in Wyoming ~~from the Department~~ shall keep and maintain adequate records in keeping with all applicable federal regulations.

~~(b) — The carrier shall retain all records WYDOT requires for at least three years.~~

(b e) All records the Department requires shall be available for inspection or audit by any authorized WYDOT representative. The carrier shall, at its own expense, forward such records to the Department upon the request of an authorized representative.

~~Section 7. — **Copies of Orders or Transcripts.**~~

~~(a) — One copy of a Department order shall be furnished to the carrier and all interested parties of record without charge. Additional copies of an order shall be furnished~~

~~upon request and the payment of 25 cents per page to defray the costs of reproduction. Requests for copies shall clearly state the nature of the document requested, the name or title under which the document was issued, the date of issuance, and the docket number, if any, and be accompanied by the reproduction fee. If certified copies of a document are desired, the request shall specifically ask for certified copies, which shall be furnished for \$2, plus copy fees.~~

~~(b) — No free copies for transcripts of hearings before WYDOT are furnished. Persons desiring transcript copies need to make arrangements with the court reporter at the time of the hearing.~~

~~(c) — When the entity changes, the carrier shall reapply with a new application and the required filing fee. All contract motor carriers shall submit new insurance filings with the proper changes, such as when an individual carrier becomes a corporation or visa versa. This requirement also applies to partnerships and limited liability companies.~~

~~Section 8. — **Permanent Authority.**~~

~~(a) — Permanent authority shall be issued to qualified contract or private motor carriers and shall remain valid and in effect unless revoked by the Department for good cause or canceled at the holder's request. No motor carrier shall operate on the highways without a copy of its letter of authority in each power unit.~~

~~(b) — When letters of authority are lost, new ones shall be issued for \$10 each, pursuant to W.S. 31-18-209.~~

~~Section 9. — **Contract Carrier Authority Applications.**~~

~~(a) — (Form of Application.) Applications for contract carrier authority shall be made in writing to WYDOT on the Department's prescribed application forms. Forms shall be furnished to the applicant upon request. All applications shall contain the following information:~~

~~(i) — The applicant's name and address. If the applicant is a corporation or limited liability company (LLC), the names and addresses of the officers/members shall be included. If the applicant is a partnership, the names and addresses of the individual partners shall be included. If not a corporation, LLC, or partnership, the applicant's legal name shall be used.~~

~~_____ (ii) — Whether the applicant intends to transport passengers or property.~~

~~_____ (iii) — A description of the specific commodities the applicant intends to transport.~~

~~(b) — (Issuance.) Contract carrier authority shall be granted immediately when WYDOT receives the \$50 filing fee and the required insurance filings.~~

~~Section 10. — Private Carrier Authority Applications.~~

~~(a) — (Form of Application.) Applications for private carrier authority shall be made in writing to the Department on WYDOT's prescribed application forms. Forms shall be furnished to the applicant upon request. All applications shall contain the following information:~~

~~(i) — The applicant's name and address. If the applicant is a corporation or limited liability company (LLC), the names and addresses of the officers/members shall be included. If the applicant is a partnership, the names and addresses of the individual partners shall be included. If not a corporation, LLC, or partnership, the applicant's legal name shall be used.~~

~~(ii) — Whether the applicant intends to transport passengers or property.~~

~~(iii) — A complete statement about the nature of the applicant's business so the Department may determine if the proposed operations constitute those of a private carrier.~~

~~(b) — (Issuance.) Private carrier permits shall be issued immediately when WYDOT receives the \$50 filing fee, unless the applicant has not submitted sufficient information to identify the proposed operations as those of a bona fide private carrier, or unless it appears to the Department that the proposed operation or the equipment to be used does not comply with the safety regulations set forth in Section 15 of this chapter.~~

~~(c) — Private motor carriers operating vehicles having a gross vehicle weight of 26,000 pounds or less are exempt from the Wyoming Commercial Vehicle Act (W.S. 31-18-101 through W.S. 31-18-903), except all private motor carriers shall comply with hazardous materials regulations adopted by the Department.~~

~~Section 6 11. Towing and Recovery Vehicles.~~

~~(a) Classes of tow and recovery vehicles. All tow and recovery vehicles shall be inspected by the Wyoming Highway Patrol and classified as follows:~~

~~(i) — Class "A" Tow vehicles designated as Class "A" shall service only vehicles not in excess of 10,001 pounds gross vehicle weight.~~

~~(ii) — Class "B" Tow vehicles designated as Class "B" shall service only vehicles not exceeding 26,000 pounds gross vehicle weight.~~

~~(iii) **Class “C”** – Tow vehicles designated as Class “C” may service vehicles exceeding 26,000 pounds gross vehicle weight, and perform all services authorized for any other class of wrecker.~~

(i) **Class “A”** – Tow and recovery vehicles designated as Class “A” shall service only vehicles that allow the tow vehicle to be operated within legal weight limits, but at no time exceeding 26,000 pounds gross combined vehicle weight (GCVW), and meet the specifications for Class “A” tow vehicles listed in Section 6, paragraph (b)(i) of this chapter.

(ii) **Class “B”** – Tow and recovery vehicles designated as Class “B” shall service only vehicles not exceeding 26,000 pounds gross vehicle weight (GVW) or gross combined vehicle weight (GCVW) and meet the specifications for Class “B” tow vehicles in Section 6, paragraph (b)(ii) of this chapter.

(iii) **Class “C”** – Tow and recovery vehicles designated as Class “C” shall service only vehicles exceeding 26,000 pounds gross vehicle weight (GVW) or gross combined vehicle weight (GCVW) and meet the specifications for Class “C” tow and recovery vehicles found in Section 6, paragraph (b)(iii) of this chapter.

(iv) **Class “L”** – Tow and recovery vehicles designated as Class “L” shall be considered “light duty” and typically used by dealerships and repair shops to retrieve customer’s vehicles for repair. Class “L” tow vehicles shall not be used for recovery operations. Class “L” tow vehicles shall meet the specifications in Section 6, paragraph (b)(iii) of this chapter and are not eligible for the Wyoming Highway Patrol Nonconsensual Tow and Recovery Rotation List.

(v) **Class “R”** Tow and recovery vehicles meeting the specifications in Section 6, paragraph (b)(iv) of this chapter shall be referred to as “rollbacks.”

(b) The following specifications shall be required of the individual tow vehicle classes. A boom, tow cradle, tow plate, or tow sling is not required if a rollback vehicle is used.

(i) Class “A” Tow and recovery vehicles shall have:

(A) ~~A gross vehicle weight rating of at least 10,000 pounds.~~ A minimum gross vehicle weight rating (GVWR) of not less than 10,000 pounds.

(B) ~~A boom capacity of not less than 8,000 pounds.~~ Individual

boom capacity of not less than 8,000 pounds when retracted, as rated by the manufacturer.

~~A winch capacity of not less than 8,000 pounds equipped with not less than 3/8 inch independent wire cable.~~

(C) An individual power take off (PTO) or hydraulic power winch with a rating of not less than 8,000 pounds, as rated by the manufacturer with at least 100 feet of 3/8 inch cable drum.

(D) ~~A tow cradle, tow plate, or tow sling with a lift rating of at least 3,500 pounds and a tow rating of at least 7,500 pounds to pick up vehicles. A~~ manufactured under-lift with a retracting lifting capacity of not less than 3,500 pounds when retracted and a minimum tow rating of 7,500 pounds, as rated by the manufacturer, with safety chains.

(E) ~~Dual rear wheels and tires or super single tires and wheels.~~

(F) ~~If a rollback vehicle is used, it shall:~~

(I) ~~Remain within the manufacturer's ratings for wheel lift/tow specifications.~~

(II) ~~Not exceed the allowable loaded weight as indicated by the manufacturer (gross vehicle weight rating~~

(III) ~~Have a winch capacity of not less than 8,000 pounds equipped with not less than 3/8 inch independent wire cable.~~

(F) Additional safety equipment as specified by federal and state regulations.

(ii) Class "B" tow and recovery vehicles shall have:

(A) ~~A gross vehicle weight rating of at least 20,000 pounds. A~~ towing vehicle chassis with a manufacturer's capacity of 21,000 pounds or greater gross vehicle weight rating (GVWR).

(B) ~~A double boom capacity of not less than 16,000 pounds each or a single boom capacity of not less than 28,000 pounds. An individual boom capacity of not less than 24,000 pounds when retracted.~~

(C) ~~A winch capacity of not less than 28,000 pounds equipped with not less than 1/2 inch independent wire cable.~~ An individual power take off (PTO) or hydraulic power winch with a rating of not less than 12,000 pounds, as rated by the manufacturer with at least 150 feet of 7/16 inch cable.

(D) ~~A wheel lift tow rating of at least 10,500 pounds and a lift rating of at least 7,500 pounds. (If so equipped.)~~ A wheel underlift tow rating of at least 20,000 pounds and a lift rating of at least 9,000 pounds when retracted.

(E) ~~A tow cradle, tow plate, or tow sling with a lift rating of at least 7,500 pounds and a tow rating of at least 20,000 pounds.~~ Light and air-brake hookups.

(F) ~~Dual rear wheels and tires or super single tires and wheels.~~ Additional safety equipment as specified by federal and state regulations.

~~(G) — If a rollback vehicle is used, it shall:~~

~~(I) — Remain within the manufacturer's ratings for wheel lift/tow specifications.~~

~~(II) — Not exceed the allowable loaded weight as indicated by the manufacturer (gross vehicle weight rating).~~

~~(III) — Have a winch capacity of not less than 12,000 pounds equipped with not less than 7/16 inch independent wire cable.~~

(iii) Class "C" tow and recovery vehicles shall have:

(A) A gross vehicle weight rating of at least ~~30,000~~ 35,000 pounds.

(B) A double boom capacity of not less than 20,000 pounds each or a single boom capacity of not less than 40,000 pounds.

(C) A winch capacity of not less than 40,000 pounds equipped with at least 175 feet of ~~not less than~~ 9/16-inch independent wire cable.

(D) Auxiliary air brake lines and hoses connected to buses, tractors, trailers, or other towed vehicles when required as a matter of public safety.

(E) Dual rear wheels and tandem axle drive or super single tires and wheels with tandem axle drive.

(F) ~~An wheel lift~~ under-lift tow rating of at least ~~25,000~~ 26,000 pounds, and a lift rating of at least ~~12,000~~ 24,000 pounds when retracted (if so equipped); ~~or a~~ tow sling or tow bar lift with a rating of at least ~~12,000~~ 24,000 pounds.

~~(G) A trailer designed for use as a recovery and removal vehicle shall comply with the following:~~

~~(I) Remain within the manufacturer's ratings for wheel lift/tow specifications.~~

~~(II) Not exceed the allowable loaded weight as indicated by the manufacturer (gross vehicle weight rating).~~

~~(III) When pulled by a power unit in a recovery operation, the power unit shall meet the lighting and safety requirements outlined in immediately following subsections 11(e) and 11(d).~~

~~(IV) When the power unit is not being used in a recovery or removal operation, the emergency lighting as defined by W.S. 31-5-928(f) and W.S. 31-5-928(g) (flashing white, red, and blue lights) shall be covered.~~

(iii) Class "L" tow and recovery vehicles shall have:

(A) A minimum gross vehicle weight rating (GVWR) not to exceed 15,000 pounds;

(B) Individual boom capacity of not less than 5,000 pounds, as rated by the manufacturer;

(C) An individual PTO or hydraulic power winch capacity, if equipped, of not less than 5,000 pounds, as rated by the manufacturer, with at least 75 feet of 3/8 inch cable drum; or or a manufactured wheel-lift with a retracting lifting capacity of not less than 3,500 pounds when retracted, as rated by the manufacturer, with safety chains; or an "integrated boom" with a lifting capacity of not less than 3,500 pounds, as rated by the manufacturer, with safety chains;

(D) Single or dual rear wheels; and

(E) Additional safety equipment as specified by federal and state regulations.

(iv) Class "R" tow and recovery vehicles shall have:

(A) A minimum gross vehicle weight rating (GVWR) of not less than 12,000 pounds;

(B) Not less than an 8,000 pound winch, as rated by the manufacturer, with at least 50 feet of 3/8 inch cable or larger; and

(C) A bed or box capable of carrying a vehicle with no part of the carried vehicle in contact with the roadway and a minimum bed load rating of 10,000 pounds.

(D) Additional safety equipment as specified by federal and state regulations.

(c) Lighting requirements.

(i) The following lighting shall be required and may be contained within a commercially manufactured light bar:

(A) At least one red light, or a combination of red and blue lights, visible from all sides when in operation. These lights shall be used only as authorized by W.S. 31-5-928(g).

(B) ~~At least two high-intensity amber lights contained in a light bar, or at least two 4 inch diameter flashing amber lights. These lights shall be visible from at least front and rear~~ or display a revolving amber light, amber strobe light, or 2 two-way flashing amber lights at least 4 inches in diameter on the vehicle. LED assemblies meeting the visibility requirements shall be allowed. These lights shall be clearly visible at least 1,000 feet from the front and rear of the vehicle and be mounted as high as practical.

(ii) Towed vehicles shall display working tail lights, turn signals, and stop lights that shall be visible from the rear and controlled by the towing vehicle's operator.

(d) Additional equipment requirements. All tow and recovery vehicles shall ~~be equipped~~ comply with the following:

(i) All safety equipment prescribed by the U.S. Department of Transportation Safety Regulations within C.F.R. Title 49, as adopted for commercial vehicles by WYDOT.

(ii) Adequate equipment capable of removing glass and other debris as

prescribed in W.S. 31-5-117(b).

(iii) A trailer used as a recovery or removal operations vehicle shall comply with the following:

_____ (A) Not exceed the allowable loaded weight as indicated by the manufacturer (gross vehicle weight rating);

_____ (B) When pulled by a power unit in a recovery operation, the power unit shall meet the lighting and safety requirements outlined in subsections 5(c) and 5(d); and

_____ (C) When the power unit is **not** being used in a recovery or removal operation, the emergency lighting as defined by W.S. 31-5-928(f) and W.S. 31-5-928(g) (flashing red, white, and blue lights) shall be covered.

(iv) Winches, wheel lifts, cradles, tow plates, tow slips, and booms shall be built by a manufacturer of such equipment and shall not be “homemade.”

(v) Tow and recovery vehicles equipped with fixed booms and/or “true-hitch” are not authorized for recovery operations.

(vi) Come-a-longs, chains, or other similar devices shall not be used as substitutes for winch and cable.

(e) Restrictions.

(i) All tow and recovery vehicles shall be operated in compliance with all traffic laws and regulations.

(ii) ~~Effective November 24, 2008, All persons engaged in towing and recovery within the rights-of-way of federal-aid highways shall wear safety apparel meeting federal safety requirements for visibility. as required by 23 CFR Part 634 (available through the following: <http://www.gpoaccess.gov/> or at cost by contacting the Department as shown in Section 4[a] of this rule). This rule includes no amendments or editions to 23 CFR Part 634 subsequent to the effective date of November 24, 2008.~~

(iii) Motor carriers operating tow and recovery vehicles not meeting the requirements of these rules may be subject to Department disciplinary action that may result in, but is not limited to, the revocation or cancellation of the carrier’s operating authority.

(iv) All tow and recovery vehicles are subject to all applicable federal and

state commercial vehicle statutes and rules and regulations.

(v) The Wyoming Highway Patrol has statutory authority to spot check any tow and recovery vehicle for registration, fuel licensing, letter of operating authority, weight violations, and commercial vehicle/driver inspections.

(vi) If directed by state statutes, tow and recovery vehicles shall stop at Wyoming ports-of-entry.

(vii) No tow and recovery vehicle operator shall transport, nor allow to be transported, any passengers in any vehicle towed, recovered, or hauled by a wrecker, recovery vehicle, or rollback. Passengers from these vehicles being transported in the tow and recovery vehicle shall be considered authorized.

(viii) No operator, employee, or individual used by a tow and recovery carrier in a nonconsensual tow and recovery operation shall be a member, or affiliate, of any federally identified criminal organization.

(f) Nonconsensual towing and recovery

(i) All nonconsensual towing and recovery practices shall be in accordance with these rules and regulations of the Department, all applicable state and federal laws and regulations, and the Wyoming Highway Patrol's *Non Consensual Towing and Recovery Procedures* (incorporated by reference).

(ii) Any code, standard, rule, or regulation incorporated by reference does not include any later amendments or editions of the incorporated matter beyond the applicable data identified in subsection (iii) of this section.

(iii) The Wyoming Highway Patrol *Non Consensual Towing and Recovery Procedures* are incorporated by reference, effective January 15, 2016, and may be found at the following: www.whp.dot.state.wy.us. These procedures may also be requested from the Wyoming Highway Patrol in writing at 5300 Bishop Boulevard, Cheyenne, Wyoming, 82009; by telephone at 307.777.4301; or by fax at 307.777.4282.

(f g) Application for letter of authority.

(i) Before performing a ~~towing~~ tow and recovery service as a private or contract motor carrier, the owner or lessee of the tow and recovery vehicle shall apply for and receive a letter of private and contract authority from WYDOT. The application shall be submitted on forms the Department furnishes.

(ii) After receiving the application but before issuing the letter of authority permit, the Department shall cause an inspection of the tow and recovery vehicle. A copy of the inspection shall be sent to the Regulatory Section to be placed in the carrier's file. To receive a letter of authority, the tow and recovery vehicle shall meet the specifications for the class requested, and the owner or lessee shall certify that the information furnished is correct.

(g h) Inspection.

(i) In addition to any roadside inspections initiated by WHP, described in Section 6(e)(f) of this rule, the Department shall cause an annual inspection between January 1 and June 30 to determine the condition of the tow and recovery vehicle and its equipment. A copy of the inspection form shall be sent to the Regulatory Section to be placed in the carrier's file, and another copy shall be carried in the vehicle.

(ii) Tow vehicles not meeting rule requirements at the annual inspection or under inspections found in Section 6(e)(5) of this rule may have their letter of authority revoked and canceled.

(h i) Special provisions.

(i) In an emergency, peace officers are authorized to use any qualified or nonqualified equipment necessary.

(ii) Peace officers, while performing their duties, shall not be responsible to pay for services performed by tow and recovery vehicle operators.

Section 7 12. **Cancellation of Authority and Reapplication.**

When WYDOT cancels an authority for good cause or failure to file prescribed evidence of insurance, the carrier shall file a new application for authority and pay the filing fee.

Section 8 13. **Leasing Requirements.**

(a) (Qualifications of Leased Motor Vehicles.) All motor vehicles leased by a carrier ~~holding a letter of authority from the Department must~~ shall be qualified by the lessee to operate under that carrier operating authority. When motor vehicles owned by one carrier holding operating authority from WYDOT are leased to another person, a copy of the lessee's current letter of authority shall be carried in the power unit. During the lease term, the lessee shall have complete control of the leased motor vehicle and shall be fully responsible for its

operation, in accordance with the applicable statutes, laws, and regulations—including the requirements of these rules and regulations concerning equipment safety and inspection and insurance coverage.

(b) (Terms and Conditions of the Lease.) All leases shall be in writing and signed by the parties to it. Leases shall specify the term (the period of time the lease is to be in effect) and the consideration to be paid by the lessee.

(i) During the entire lease term a carrier ~~holding a letter of authority issued by this Department~~ shall at all times carry an original, a certified copy, or a photocopy of the lease in each vehicle covered by the lease so that it may be available for inspection by Department representatives or other authorized persons.

(ii) The Department shall at all times have the right to examine all motor vehicle equipment leases and approve or disapprove them.

(c) (Regulation of Equipment Leasing.) When it appears that a carrier and a shipper or any other combination of persons might use a lease arrangement to evade some aspect of regulation within WYDOT jurisdiction, an investigation shall be instituted and a formal complaint issued if necessary. If the Department determines that the lessor and lessee entered into a motor vehicle equipment lease to avoid regulation by Wyoming statutes or Department rules and regulations, WYDOT may request the Attorney General to institute proceedings in the courts of the state or take whatever action it deems necessary and proper.

Section 14. — Insurance Requirements.

~~All contract motor carriers shall file evidence of prescribed insurance as required by the Department. (WYDOT rules and regulations governing filing and approval of insurance policies for contract motor carriers and the forms prescribed for insurance filings and notices of cancellation can be found in Motor Carrier Section, Chapter 3, Insurance Requirements.)~~

Section 15. Safety Regulations.

(a) The Department requires all motor carriers, as defined in W.S. 31-18-101, and carriers in interstate commerce, as defined in 49 C.F.R. 390.5, to comply strictly with:

(i) All Wyoming laws pertaining to safe operation and such rules and regulations promulgated by the Wyoming Department of Transportation.

(ii) The following hazardous materials regulations of the United States Department of Transportation: 49 C.F.R. Parts ~~107, 130, 171 through 173, and 177 through~~

~~180.~~ 105 through 107, 109, 110, 130, and 171 through 180.

(iii) The following motor carrier safety regulations of the United States Department of Transportation: 49 C.F.R. Parts 40, ~~373, 382, 383, 385, 390, 391, 392, 393, 395, 396, and 397~~ 303, 325, 350, 355, 356, 360, and 365 through 399 for interstate transportation and as amended in the appendix to these rules for intrastate transportation.

(b) WYDOT shall conduct audits and inspections as needed to enforce state and federal laws related to interstate and intrastate motor carrier operations. The Department's authorized employees or agents may enter, inspect, and examine any lands, buildings, and equipment of motor carriers subject to this section to inspect and copy any accounts, books, records, and documents to administer and enforce state and federal laws related to motor carrier operation provided:

(i) WYDOT's authorized employees or agents shall schedule an appointment with the motor carrier before entering, inspecting, or examining any facility or records of a motor carrier; but

(ii) If the Department's authorized employees or agents believe that a violation is involved and that a scheduled appointment would compromise the detection of the alleged violation, no appointment is necessary.

(iii) A motor carrier shall submit its lands, buildings, and equipment for inspection and examination and shall submit accounts, books, records, and documents for inspection and copying in accordance with this section.

(c) When a motor carrier receives a compliance review, the motor carrier shall receive one of the following ratings:

(i) Satisfactory: The carrier may be required to submit a letter of compliance within a designated period of time to WYDOT. A follow up compliance review may be conducted.

(ii) Unsatisfactory: The carrier shall be required to submit a letter of compliance to the Department within 30 days. A follow-up compliance review shall be conducted. If the carrier fails to receive a satisfactory rating, the Department shall take further action against it for noncompliance.

(d) These regulations shall authorize placing a driver out-of-service for driving or working in excess of hours of service or any other conditions identified in the federal safety standards and found by WYDOT to contribute to unsafe operations. ~~The out-of-service~~

~~conditions shall preclude a driver from driving until the condition for placing the driver out-of-service is remedied. These regulations shall additionally authorize placing a vehicle out-of-service because of mechanical or operational dysfunction causing a vehicle to be unsafe under federal safety standards. The out-of-service condition shall preclude using the vehicle until the condition for placing the vehicle out-of-service has been remedied. These regulations shall abide by established federal safety standards. use the established material from the Commercial Vehicle Safety Alliance (CVSA) in Appendix A of the North American Uniform Out of Service Criteria for placing drivers, vehicles, and hazardous materials shipments out-of-service. These regulations shall remain current with North American Uniform Out of Service Criteria as changes are made.~~

Section 10 46. **Forms and Regulations for Bills of Lading and Freight Bills.**

(a) ~~Contract For-hire~~ motor carriers shall use and carry in their motor vehicles at all times uniform bills of lading showing all property being transported. The carrier shall deliver copies to both consignor and consignee and retain a copy for Department inspection.

(b) ~~A combination bill of lading and freight bill, setting forth complete information and transportation charges, may also be used. The combined form of bill of lading and freight bill shall be issued in at least triplicate and shall consist of an original, a shipping order copy, and a memorandum copy. The number of memorandum copies as desired may be issued, but each copy shall carry a notation showing whether it is the original, the shipping order, or a memorandum copy. The carrier shall retain a copy of the shipping order for three years for possible inspection by WYDOT at its convenience.~~

(c) ~~Instead of executing the combination bill of lading mentioned in preceding paragraph (b), the carrier may execute a separate bill of lading and a separate freight bill as long as all the required information is shown on them.~~

(d) ~~When more than one vehicle is used to transport a shipment, the bill of lading or memorandum showing information required on the bill of lading shall be carried on each vehicle during shipment transport. Such memorandum shall refer to the bill of lading covering the entire shipment. (See W.S. 31-18-209.)~~

(b) Private motor carriers are not required to carry in their motor vehicles a bill of lading or other shipping document, except when transporting a hazardous material as required in 49 C.F.R. 177.817 as adopted by the Department. The requirement for intrastate private carriers shall be governed by the appendix to these rules and regulations.

Section 11 47. **Hearings and Appeals.**

(a) — Practice and procedure for hearings before the Department shall be as provided in Chapter 3, General Section, of the *Wyoming Department of Transportation Rules and Regulations*.

~~(b) — Any party in interest or any person or party authorized under Chapter 18 of Title 31 to file for an original hearing before the Department may appeal to an appellate hearing panel appointed by WYDOT in the same manner, and to the same extent, as provided in the Wyoming Administrative Procedure Act.~~

Appendix to Chapter 1, Motor Carriers

This appendix consists of Wyoming-specific cross-references, changes, omissions, and additions to 49 C.F.R. Parts 40, 303, 325, 350, 355, 356, 360, and 365-399 ~~373, 382, 383, 385, 390, 391, 392, 393, 395, 396, and 397.~~

The cross-references set forth below are of general application throughout the rules reproduced in this appendix and shall be applied except when the context of the rule clearly requires otherwise.

- (a) References to “state” shall mean the State of Wyoming.
- (b) References to “Interstate” shall mean “Intrastate.”
- (c) References to “farms” and “farmers” shall include “ranches” and “ranchers.”
- (d) References to “Federal” shall mean “Wyoming.”

(e) References to such federal persons and entities such as “Secretary,” “Federal Highway Administrator” or “Administration,” “Regional Director,” “District Director,” and other similar references shall mean the Wyoming Department of Transportation (WYDOT), its employees, and its duly designated agents, including the Wyoming Highway Patrol enforcing these rules pursuant to W.S. 31-18-701(b). WYDOT, in order to promote efficiency in government and to avoid duplication of skills, personnel, and effort, may designate other personnel to provide technical expertise and assistance to the Department as the need arises.

Section 390.3(g) is changed to read:

(f) ~~— Exceptions in W.S. 31-18-103 are incorporated herein with Section 390.3(g):~~

~~(iv) — Transportation on his own motor vehicle or combination of vehicles having a gross vehicle weight of less than Fifty five Thousand (55,000) pounds by any farmer or rancher, or the employee of a farmer or rancher exclusively in his service, transporting produce or commodities for his own use to and from his farm or ranch;~~

~~(v) — The exchange of transportation in their own motor vehicles or combination of vehicles having a gross vehicle weight of less than Fifty five Thousand (55,000) by farmers or ranchers, or employees of farmers or ranchers exclusively in their service, when the exchange is between farmers or ranchers, or their employees, in the immediate community;~~

~~(vi) — The exclusive transportation of children to and from school;~~

~~(vii) — The transportation of sick, injured, or deceased persons by ambulance or hearse;~~

~~(viii) — Transportation by motor vehicle when the motor vehicle is owned and operated by the United States, the State of Wyoming, or any subdivision thereof;~~

~~(ix) — Motor carriers engaged in the exclusive transportation of the United States mail, involving rural routes with delivery being made to individual mail boxes;~~

~~(xi) — Transportation by motor vehicle on non-state highways;~~

Section 390.3(h) is added.

~~(i) — Clarifications. A wrecker tower does not become a carrier of hazardous materials by virtue of providing recovery and towing services. Part 393 shall apply to all wrecker towers that meet the definition of “commercial motor vehicle” set forth in Section 390.5.~~

Section 390.5 Definitions. All definitions set forth in W.S. 31-18-101 are incorporated herein by this reference. In addition, in this appendix and for the purposes of these rules:

“Agricultural growing season” means January 1 to December 31 of any calendar year.

“Air-mile” means an international nautical mile of approximately 6,076 feet measured in a straight line and not on an over-the-road basis.

“Commercial motor vehicle” means as defined in W.S. 31-18-101. ~~any self-propelled or towed vehicle used on public highways in intrastate commerce to transport passengers or property when the vehicle has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of 26,001 or more pounds.~~

Section 390.21(b)(2 3) is changed to read:

The motor carrier identification number, if issued by the Federal Highway Administration, shall be preceded by the letters “USDOT.” When issued by ~~WYDOT~~ Wyoming intrastate carriers, the number shall be preceded by “USDOT” and followed by the suffix “WY,” as in the following example: USDOT 123456 WY.

Section 390.23 contains a new preamble.

The Wyoming Department of Transportation directs ~~that~~ any motor carrier seeking relief from Section 395.3(b) shall to contact the Wyoming Highway Patrol in writing to request such relief.

The Wyoming Department of Transportation shall recognize emergency relief exemptions as declared by the President of the United States, the Governor of a state, or authorized designees or representatives having authority to declare emergencies, when such emergencies are declared as prescribed in federal regulations.

Section 390.37 is changed by omitting references to “Part 325 of Subchapter A.”

Section 391.11(b)(1) is changed to read:

- (1) is at least 18 years old;

Section 391.47(e) is changed to read:-

~~(e) — Petition for review, burden of proof. The driver or motor carrier may obtain review of the Department’s determination either by filing a petition for rehearing with WYDOT or by appealing as from any other final order of the Department of Transportation. The burden of proof, in either case, rests with the petitioner.~~

Section 391.49 is changed to read:

~~As determined by WYDOT, driver control program for intrastate drivers only.~~

~~**Section 395.1** All farm vehicle drivers engaged in farm operations during the agricultural growing season.~~

Section 395.1(e) is changed to read:

(e) 150 air-mile radius driver. A driver is exempt from the requirements of §395.8 if:

- (1) The driver operates within a 150 air-mile radius of the normal work reporting location;

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Wyoming Department of Transportation
Radioactive Waste Transportation By Motor Carrier

CHAPTER 2

Section 1. Authority and Purpose.

These rules of practice and procedure are promulgated by authority of W.S. 37-14-103. They are intended to provide an understandable interpretation of the undefined portion of W.S. 37-14-103.

Section 2. Definitions.

(a) "Temporary permit" means a permit to transport radioactive waste issued pursuant to this rule and valid for only a single trip transporting radioactive waste within or through Wyoming.

(b) "Transportation" or "transport" means the transport by any means of radioactive waste destined for or derived from any location and any loading, unloading, or storage incident to such transport. The terms do not include the permanent storage or disposal of the radioactive waste.

Section 3. Permit Required.

(a) Any person representing and wishing to transport radioactive waste within or through Wyoming shall have a permit issued by the Wyoming Department of Transportation (WYDOT) or its duly designated agent.

(b) There is no application fee for a permit. Once it is granted, the permit shall remain in force until revoked and shall be valid for all the holder's shipments of radioactive waste. An applicant may also request a temporary permit covering a single trip within or through Wyoming.

(c) The carrier shall convey a copy of the permit with the load being transported.

(d) A permit may be denied or revoked for:

(i) Nonpayment, when due, of any emergency response fees provided for in W.S. 37-14-103.

(ii) The revocation or cancellation

(A) by the federal government of an applicant's contract for the transportation of radioactive waste or

(B) by the granting jurisdiction's revocation of an applicant's authority to serve as a carrier.

(iii) Violation of safety rules and regulations applicable to radioactive waste transportation.

(iv) Omission or misstatement of a material fact on an application.

(e) Permit application forms are available from the Wyoming Department of Transportation, Regulatory Section, 5300 Bishop Blvd., Cheyenne, Wyoming 82009; at all Wyoming ports of entry; and at all Wyoming Highway Patrol offices. The application shall contain:

(i) The applicant's name, address, and general business telephone number; an emergency telephone number for the applicant that will be answered at any time; and a statement that the applicant has a 24-hour telephone number for all persons for whom the applicant is transporting radioactive waste.

(ii) A general description of the radioactive waste intended for transport including the type of material to be transported, the number of shipments and packages, a description of the packages, and the estimated radioactivity per shipment. (Precise information is not necessary if unavailable for security or other reasons.)

(iii) A description of the mode of transportation, the route or routes to be taken, and the approximate schedule. (Precise information is unnecessary if unavailable for security or other reasons.)

(iv) A general description of any violations by the carrier of local, state, or federal regulations within the past year related to radioactive waste transportation or of any accidents resulting in the release of radioactivity.

(v) A statement about whether the application is for a permanent or temporary permit.

(vi) Any other information the applicant can provide that might assist the state in case of an accident.

Section 4. Issuing Permits.

The Department authorizes its Regulatory Section and each port of entry to issue temporary permits to shippers upon receipt of a proper application completely filled out. The issuing entity shall forward copies of all temporary permits to the Regulatory Section as soon as they are issued. Shippers seeking permanent permits may apply directly to the Regulatory Section or may hand deliver an application to a Wyoming port of entry, which shall forward it to the Regulatory Section. WYDOT shall act upon applications within 30 days of the application date. During those 30 days, the applicant may transport radioactive waste as if a permit had been granted and shall pay all applicable emergency response fees and comply with all applicable rules and regulations concerning radioactive waste transportation.

Section 5. Fee Payment.

The emergency response fee of \$200 per package of radioactive waste shall be paid to the Wyoming Department of Transportation, Accounting Program, 5300 Bishop Blvd., Cheyenne, WY 82009.

Section 6. Continuing Notification Requirement.

(a) Each permit holder shall notify the Department within 10 days if any of the following occur:

(i) The permit holder loses its carrier operating authority.

(ii) The permit holder ceases to transport radioactive waste as defined in this chapter and therefore wishes voluntarily to relinquish the permit.

(iii) The permit holder has been cited for violating safety rules or regulations applicable to radioactive waste transportation (reporting this information is voluntary except in the case of an accident resulting in the release of radioactivity).

(b) Whenever the radioactive waste transportation activities of the permittee change in any material way, that fact shall be reported in writing to WYDOT's Regulatory Section within 10 days. If no material changes have taken place, the permittee shall report this fact in writing to the Department immediately.

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Wyoming Department of Transportation
Radioactive Waste Transportation By Motor Carrier

CHAPTER 2

Section 1. **Authority and Purpose.**

These rules of practice and procedure are promulgated by authority of W.S. 37-14-103. They are intended to provide an understandable interpretation of the undefined portion of W.S. 37-14-103.

Section 2. **Definitions.**

~~(a) —“Fee” means the emergency response fee of \$200 per package required by W.S. 37-14-103(a) regarding radioactive waste.~~

~~(b) —“Package” means a container plus its contents assembled to assure compliance with the minimum federal packaging requirements for radioactive materials.~~

~~(c) —“Permit” means a temporary or permanent permit to transport radioactive waste issued pursuant to this rule as authorized by W.S. 37-14-103(a).~~

~~(d) —“Radioactive waste” means highway route controlled quantities of radioactive materials as defined in 49 C.F.R. 173.403(1) as amended as of January 1, 1989, and nuclear waste being transported to the following: the waste isolation pilot plant in New Mexico; any facility established pursuant to Section 135 of the federal “Nuclear Waste Policy Act of 1982” as amended, 42 U.S.C. 10101, et seq.; any repository licensed for the permanent deep geological disposal of high-level radioactive waste and spent nuclear fuel; or any monitored retrievable storage facility established pursuant to Section 141 of the federal “Nuclear Waste Policy Act of 1982” as amended.~~

~~(e) —“Shipper” means the party or carrier responsible for shipments of radioactive materials as defined in 49 C.F.R. 173.403(1).~~

~~(a) f) “Temporary permit” means a permit to transport radioactive waste issued pursuant to this rule and valid for only a single trip transporting radioactive waste within or through Wyoming.~~

(b) “Transportation” or “transport” means the transport by any means of radioactive waste destined for or derived from any location and any loading, unloading, or storage incident to such transport. The terms do not include the permanent storage or disposal of the radioactive waste.

Section 3. Permit Required.

(a) Any person representing and wishing to transport radioactive waste within or through Wyoming shall have a permit issued by the Wyoming Department of Transportation (WYDOT) or its duly designated agent.

(b) There is no application fee for a permit. Once it is granted, the permit shall remain in force until revoked and shall be valid for all the holder’s shipments of radioactive waste. An applicant may also request a temporary permit covering a single trip within or through Wyoming.

(c) The carrier shall convey a copy of the permit with the load being transported.

(d) A permit may be denied or revoked for:

(i) Nonpayment, when due, of any emergency response fees provided for in W.S. 37-14-103.

(ii) The revocation or cancellation

(A) by the federal government of an applicant's contract for the transportation of radioactive waste or

(B) by the granting jurisdiction's revocation of an applicant's authority to serve as a carrier.

(iii) Violation of safety rules and regulations applicable to radioactive waste transportation.

(iv) Omission or misstatement of a material fact on an application.

(e) Permit application forms are available from the Wyoming Department of Transportation, Regulatory Section, 5300 Bishop Blvd., Cheyenne, Wyoming 82009; at all Wyoming ports of entry; and at all Wyoming Highway Patrol offices. The application shall contain:

(i) The applicant's name, address, and general business telephone number; an emergency telephone number for the applicant that will be answered at any time; and a statement that the applicant has a 24-hour telephone number for all persons for whom the applicant is transporting radioactive waste.

(ii) A general description of the radioactive waste intended for transport including the type of material to be transported, the number of shipments and packages, a description of the packages, and the estimated radioactivity per shipment. (Precise information is not necessary if unavailable for security or other reasons.)

(iii) A description of the mode of transportation, the route or routes to be taken, and the approximate schedule. (Precise information is unnecessary if unavailable for security or other reasons.)

(iv) A general description of any violations by the carrier of local, state, or federal regulations within the past year related to radioactive waste transportation or of any accidents resulting in the release of radioactivity.

(v) A statement about whether the application is for a permanent or temporary permit.

(vi) Any other information the applicant can provide that might assist the state in case of an accident.

Section 4. **Issuing Permits.**

The Department authorizes its Regulatory Section and each port of entry to issue temporary permits to shippers upon receipt of a proper application completely filled out. The issuing entity shall forward copies of all temporary permits to the Regulatory Section as soon as they are issued. Shippers seeking permanent permits may apply directly to the Regulatory Section or may hand deliver an application to a Wyoming port of entry, which shall forward it to the Regulatory Section. WYDOT shall act upon applications within 30 days of the application date. During those 30 days, the applicant may transport radioactive waste as if a permit had been granted and shall pay all applicable emergency response fees and comply with all applicable rules and regulations concerning radioactive waste transportation.

Section 5. Fee Payment.

The emergency response fee of \$200 per package of radioactive waste shall be paid to the Wyoming Department of Transportation, Accounting Program, 5300 Bishop Blvd., Cheyenne, WY 82009.

Section 6. Continuing Notification Requirement.

(a) Each permit holder shall notify the Department within 10 days if any of the following occur:

(i) The permit holder loses its carrier operating authority.

(ii) The permit holder ceases to transport radioactive waste as defined in this chapter and therefore wishes voluntarily to relinquish the permit.

(iii) The permit holder has been cited for violating safety rules or regulations applicable to radioactive waste transportation (reporting this information is voluntary except in the case of an accident resulting in the release of radioactivity).

(b) Whenever the radioactive waste transportation activities of the permittee change in any material way, that fact shall be reported in writing to WYDOT's Regulatory Section within 10 days. If no material changes have taken place, the permittee shall report this fact in writing to the Department immediately.

~~Section 7. Permit and Application Forms.~~

~~The application and permit forms shall be generally as set forth in the following:~~

WYOMING DEPARTMENT OF TRANSPORTATION

Radioactive Waste Transportation Permit Application Form

for a

PERMANENT PERMIT

TEMPORARY PERMIT (for only one trip as described in the following)

1. _____
Name of carrier

2. _____
Address and regular business telephone number of carrier

3. _____
Contact person and 24 hour emergency telephone number that will always be answered

4. General description of radioactive waste intended for transport, including type of material, estimated number of shipments and packages, description of packages, and estimated radioactivity per shipment (precise information not necessary if unavailable):

5. Description of mode of transportation, route or routes to be taken, and approximate schedule (precise information not necessary if unavailable):

6. Describe any violations by applicant of local, state, or federal regulations in the past year relating to radioactive waste transportation. (If none, so state. Completing this section is voluntary except in the case of an accident resulting in the release of radioactivity.):

7. Other information that might be helpful in case of an accident involving radioactive waste (Completing this section is voluntary.):

READ CAREFULLY BEFORE SIGNING I hereby certify that the information given to obtain the requested permit is true and correct. I hereby certify that the carrier has a 24 hour telephone number for all persons for whom the carrier is transporting radioactive waste under the permit. The carrier agrees to pay all emergency response fees (at the rate of \$200 per package transported) to become due under the rules and reporting requirements of the Wyoming Department of Transportation, Accounting Program, 5300 Bishop Blvd., Cheyenne, Wyoming 82009. The carrier agrees to obey all placarding and safety requirements for transporting radioactive waste as set forth in Title 49 of the Code of Federal Regulations (C.F.R.). I understand that, if this application is for a permanent permit, I may transport radioactive waste within and through Wyoming for 30 days after the application date set forth in the following without a permit, that I shall pay all applicable emergency response fees associated with such transportation, and that I shall obey all applicable radioactive waste transportation safety regulations during this time. I understand the shipper's duty to provide supplemental information under the rules of the Wyoming Department of Transportation. I understand that, if this application is for a temporary permit, I may elect to pay my emergency response fees at the time the permit is granted or to pay quarterly as billed to me by the Wyoming Department of Transportation, Accounting Program, 5300 Bishop Blvd., Cheyenne, Wyoming 82009. Based on the foregoing, I hereby apply for a permanent/temporary (circle one) permit to transport radioactive waste within and through Wyoming.

Carrier
Name: _____

By: _____ Date _____
Signature of Authorized Representative

Wyoming DOT Docket No. M _____ Permit No. _____

PERMIT TO TRANSPORT RADIOACTIVE WASTE
(Issued pursuant to W.S. 37-14-103)

Granted to the preceding carrier, for radioactive waste transportation as described in this application, on _____, _____, at _____ am pm (circle one) by _____ at _____, Wyoming. (Station and clerk number [for temporary permit] if applicable: _____.)

SIGNATURE OF ISSUING AUTHORITY

SHIPPER PLEASE NOTE: This is one of two documents that shall be carried to transport radioactive waste within or through Wyoming. Both the *Emergency Response Fee Report* for the load being transported and a copy of the *Permit to Transport Radioactive Waste* shall be carried with the load being transported.

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Wyoming Department of Transportation
Insurance Requirements

CHAPTER 3

Section 1. Authority and Purpose.

These rules of practice and procedure are promulgated by authority of W.S. 24-2-105 and W.S. 31-18-104. They are intended to provide uniform and understandable interpretation of the undefined portion of W.S. 31-18-209.

Section 2. Insurance Policies, Surety Bonds, Etc.

(a) **Bodily Injury and Property Damage Liability Insurance:** No contract motor carrier subject to the provisions of the Wyoming Commercial Vehicle Act shall engage in Wyoming intrastate commerce, and no letter of authority shall be issued to such motor carrier or remain in force until the motor carrier files, and the Department approves of, a policy of insurance, or surety bonds for the self insured, not less than the amounts prescribed in Section 3 of this chapter. The insurance policy or surety bonds shall be conditioned to pay, within the amount of such policy of insurance, or surety bonds for the self insured, any final judgment recovered against such motor carriers for bodily injuries to or the death of any person resulting from the negligent operation, maintenance, or use of motor vehicles subject to this act or for loss of or damage to property of others.

(b) **Cargo Insurance:** No contract motor carrier subject to the provisions of this act shall engage in Wyoming intrastate commerce, and no letter of authority shall be issued to such carrier or remain in force until the motor carrier files, and the Department approves of, a policy of insurance, or surety bonds for the self insured, in not less than the amounts prescribed in Section 3 of this chapter. The insurance policy or surety bonds shall be conditioned upon such carriers making compensation to shippers or consignees for all property belonging to shippers or consignees and coming into possession of such carrier in connection with the transportation of the property. This requirement, however, shall not apply to carriers transporting raw agricultural products (except livestock), nor to carriers transporting sand (except in pneumatic trailers), rock, dirt, gravel, or other commodities having no appreciable salvage value.

Section 3. Minimum Insurance Amounts.

The minimum amounts referred to in Section 2 of this chapter are prescribed as follows:

(a) Liability Insurance (Form E)—motor carrier bodily injury and property damage liability, with a combined single limit (CSL) of \$750,000 or greater as required by federal law.

(b) Cargo Insurance (Form H)—Common security required to compensate shippers or consignees for loss of or damage to property coming into the possession of common and contract motor carriers in connection with their transportation service. All common and contract motor carriers require \$10,000 of cargo insurance, or greater if required by federal law, except those carriers transporting commodities that do not require cargo insurance. (See Section 2[b].)

(c) House Trailer or Mobile Home Cargo (Form MC61E)—Security required to compensate owners, shippers, or consignees for loss of or damage to each house trailer or mobile home coming into the possession of a contract motor carrier in connection with its transportation service for \$5,000 (comprehensive and collision coverage, including contents).

Section 4. Expiration Date of Insurance Coverage.

Insurance filings are to be filed "continuous until canceled" with only the effective date set forth.

Section 5. Effective Date of Insurance Coverage.

Insurance filings shall show an effective date. No lapse of time can exist between the expiration date of previous insurance coverage and the date of receipt for the new coverage as long as the carrier is operating under the authority issued by WYDOT as set out in Section 6. These filings are active until canceled by the insurance company.

Section 6. Period of Insurance Coverage.

Contract motor carriers shall have the prescribed insurance information on file and approved by the Department during the entire time they operate under WYDOT authority. Failure to provide the prescribed insurance coverage during any period the carrier has authority to operate shall result in action to revoke or cancel the contract motor carrier authority issued by the Department.

Section 7. Motor Vehicles Covered by Insurance Certificates.

Insurance filings for contract motor carriers automatically cover all single motor vehicles or multiple unit combinations as soon as they are qualified to operate under the carrier's operating authority, during the period of time the coverage remains in force.

Section 8. Information on Insurance Claims.

Any insurance company making insurance filings with WYDOT pursuant to the requirements of the Wyoming Commercial Vehicle Act and the rules and regulations of the Department shall furnish WYDOT, upon request made by the Department or its authorized representative, with any information requested concerning any claim filed against a carrier or the insurance company by reason of insurance filings made with WYDOT.

Section 9. Limits of Insurance Policies.

To qualify for Department approval, each insurance filing shall be for an amount not less than the full limits of liability required under these rules.

Section 10. Forms and Procedure.

(a) Insurance filings such as for liability, cargo, or mobile home cargo or notices of cancellation shall be on WYDOT prescribed and approved forms.

(b) Insurance filings and notices of cancellation shall be filed with the Department. When WYDOT receives and approves the filing, it shall be stamped "accepted" and shall be returned to the insurance company or its issuing agency.

(c) All insurance filings shall be written in the full and correct legal name of the individual, partnership, corporation, or association and doing business as (d/b/a) designation, if any, to whom the authority is to be issued. For partnerships, all partners shall be named on the filing. Filings made in a name other than the exact name by which the carrier applied for operating authority shall not be considered an insurance filing for that carrier under these rules and regulations.

(d) WYDOT may refuse to accept any certificate of insurance, endorsement, or cancellation notice not filed on the Department's prescribed and approved form.

Section 11. Reproducing Prescribed Forms.

The Department has adopted uniform and standard forms for insurance filings and cancellation notices as follow in this chapter. The use of the word "Commission" on these forms shall mean "Department of Transportation" in Wyoming. Insurance companies may print or reproduce these forms to their own size and printing specifications as long as all the information matches the original forms.

Section 12. Signatures of Authorized Agents.

In keeping with standard insurance industry practice, an insurance company may elect to allow insurance filings on behalf of the company by any person signing such filings, in which case the insurance company shall be bound by all filings made with the Department under the company name. Failure by any insurance company to honor this standard insurance industry practice may result in a WYDOT decision to disallow all insurance filings from such an insurance company in order to protect the public interest served by having required insurance in effect for carriers who rely upon such a practice.

Section 13. Department Refusal to Accept, or Revocation of, Insurance Policies.

At any time WYDOT may refuse to accept or may revoke its approval of any insurance filing if in its judgment such filing does not comply with these rules or, for any reason, fails to provide satisfactory or adequate public protection.

Section 14. **Examples of Filings.**

WYOMING
FORM MC61E
CONTRACT MOTOR CARRIER
HOUSE TRAILER OR MOBILE HOME
CERTIFICATE OF INSURANCE

Filed With
WYOMING DEPARTMENT OF TRANSPORTATION
REGULATORY SECTION
Cheyenne, Wyoming

THIS IS TO CERTIFY, That the _____ (hereinafter called company)
of _____ has issued to
_____ of _____
(Name of Motor Carrier) (Address of Motor Carrier)

the policy of Insurance herein described has been amended by the attachment of an endorsement, in the amount of \$5,000.00 for physical damage coverage for each house trailer or mobile home transported and approved by the Wyoming Department of Transportation to provide compensation for loss of or damage to house trailers or mobile homes belonging to shippers or consignees and coming into the possession of the Insured in connection with its transportation service under a permit issued to the Insured by the Department under Title 31, Wyoming Statutes 1999, as amended, and the pertinent rules and regulations of the Department regardless of whether the house trailers or mobile homes themselves or the motor vehicles, and other facilities used in connection with the transportation of said house trailers or mobile homes are specifically described in the policy or not. The liability of the Company extends to such losses or damages whether occurring on the route or in the territory authorized to be served by the Insured or elsewhere within the State of Wyoming.

Whenever requested by the Department, the Company agrees to furnish to the Department a duplicate original of said policy and all endorsements thereon.

The endorsement described herein may not be canceled without cancellation of the policy to which it is attached. Such cancellation may be effected by the Company or the Insured giving thirty (30) days' notice in writing to the Department at its office in Cheyenne, Wyoming, said thirty (30) days' notice to commence to run from the date notice is actually received at the office of said Department.

Policy No. _____ Effective from 12:01 A.M. standard time at the address of the Insured stated in said policy or policies and continuing until canceled as provided herein.

Countersigned at _____ this ____ day of _____, ____.

MC 61E

Authorized Company Representative

FORM E
UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY
DAMAGE LIABILITY CERTIFICATE OF INSURANCE

Filed with _____ (hereinafter called Commission)
(Name of Commission)

This is to certify, that the _____
(Name of Company)

(hereinafter called Company) of _____
(Home Office Address of Company)

has issued to _____
(Name of Motor Carrier)

of _____
(Address of Motor Carrier)

a policy or policies of insurance effective from _____ 12:01 A.M. standard time at the address of the insured stated in said policy or policies and continuing until canceled as provided herein, which, by attachment of the Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement, has or have been amended to provide automobile bodily injury and property damage liability insurance covering the obligations imposed upon such motor carrier by the provisions of the motor carrier law of the State in which the Commission has jurisdiction or regulations promulgated in accordance therewith.

Whenever requested, the Company agrees to furnish the Commission a duplicate original of said policy or policies and all endorsements thereon.

This certificate and the endorsement described herein may not be canceled without cancellation of the policy to which it is attached. Such cancellation may be effected by the Company or the insured giving thirty (30) days' notice in writing to the State Commission, such thirty (30) days' notice to commence to run from the date notice is actually received in the office of the Commission.

Countersigned at _____
(Street Address) (City) (State) (Zip Code)

This _____ day of _____, ____.

Authorized Company Representative

Insurance Company File No. _____
(Policy Number)

FORM G
UNIFORM MOTOR CARRIER BODILY INJURY AND
PROPERTY DAMAGE LIABILITY SURETY BOND

KNOW ALL MEN BY THESE PRESENTS, That we, _____
(Name of Motor Carrier Principal)

of _____ , _____ as Principal (hereinafter called
(City) (State)

Principal), and _____
(Name of Surety)

a corporation created and existing under the laws of the State of _____,
with principal office at _____ , _____ , as Surety,
(City) (State)

(hereinafter called Surety), are held and firmly bound unto the State of _____ in the sum or
sums hereinafter provided for which payment, well and truly to be made, the Principal and Surety
hereby bind themselves, their successors and assigns, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, the Principal is or intends to become a motor carrier subject the laws of such
State and the rules and regulations of _____
Name of Commission

(hereinafter called Commission), relating to insurance of other security for the protection of the public,
and has elected to file with the Commission a surety bond conditioned as hereinafter set forth, and

WHEREAS, This bond is written to assure compliance by the Principal as a motor carrier of
passengers or property with the laws of such State and the rules and regulations of the Commission
relating to insurance or other security for the protection of the public, and shall inure to the benefit of
any person or persons who shall recover a final judgment or judgments against the Principal for any of
the damages herein described.

NOW, THEREFORE, if every final judgment recovered against the Principal for bodily injury
to or the death of any person or loss of or damage to the property of others, sustained while this bond
is in effect, and resulting from the negligent operation, maintenance, or use of motor vehicles in
transportation (but excluding injury to or death of the Principal's employees while engaged in the
course of their employment, and loss of or damage to property of the Principal and
property transported by the Principal designated as cargo), shall be paid, then this obligation shall be
void, otherwise to remain in full force and effect.

Within the limits hereinafter provided, the liability of the Surety extends to such losses, damages, injuries, or deaths regardless of whether such motor vehicles are specifically described herein and whether occurring on the route or in the territory authorized to be served by the Principal or elsewhere.

This bond is effective from _____ (12:01 A.M., standard time, at the address of the Principal as stated herein) and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice to the Commission, such termination to become effective not less than thirty (30) days after actual receipt of said notice by the Commission. The Surety shall not be liable hereunder for the Payment of any judgment or judgments against the Principal for bodily injury to or the death of any person or persons or loss of or damage to property resulting from accidents which occur after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety hereunder for the Payment of any such judgment or judgments resulting from accidents which occur during the time the bond is in effect.

The liability of the Surety on each motor vehicle shall be the limits prescribed in the laws of such State and the rules and regulations of the Commission governing the filing of surety bonds, which were in effect at the time this bond was executed, and shall be a continuing one notwithstanding any recovery hereunder.

IN WITNESS WHEREOF, the said Principal and Surety have executed this instrument on the _____ day of _____, _____.

(Principal)

(Affix Corporate Seal)

By _____
(Surety)

(City) (State)

By _____

Countersigned at _____ this _____ day of _____.

Bond No. _____

Registered Resident Agent

FORM H
UNIFORM MOTOR CARRIER CARGO
CERTIFICATE OF INSURANCE

Filed with _____ (hereinafter called Commission).

(Name of Commission)

This is to certify, that the _____

(Name of Company)

(hereinafter called Company) of _____

(Home Office Address of Company)

has issued to _____

(Name of Motor Carrier)

of _____

(Address of Motor Carrier)

a policy or policies of insurance effective from _____ 12:01 A.M., standard time at the address of the insured stated in said policy or policies and continuing until canceled as provided herein, which, by attachment of the Uniform Motor Carrier Cargo Insurance Endorsement, has or have been amended to provide cargo insurance covering the obligation imposed upon such motor carrier by the provisions of the motor carrier law of the State in which the Commission has jurisdiction or regulations promulgated in accordance therewith.

Whenever requested, the Company agrees to furnish the Commission a duplicate original of said policy or policies and all endorsements thereon.

This certificate and the endorsement described herein may not be canceled without cancellation of the policy to which it is attached. Such cancellation may be effected by the Company or the insured giving thirty (30) days' notice in writing to the State Commission, such thirty (30) days' notice to commence to run from the date notice is actually received in the office of the Commission.

Countersigned at _____

(Street Address) (City) (State) (Zip Code)

This _____ day of _____, ____.

Authorized Company Representative

Insurance Company File No. _____

(Policy Number)

FORM J
UNIFORM MOTOR CARRIER CARGO SURETY BOND

KNOW ALL MEN BY THESE PRESENTS, That we, _____
(Name of Motor Carrier Principal)

of _____, _____ as Principal (hereinafter called Principal),
(City) (State)

and _____
(Name of Surety)

a corporation created and existing under the laws of the State of _____ with principal office
at _____, _____, as Surety
(City) (State)

(hereinafter called Surety), are held and firmly bound unto the State of _____ in the
sum or sums hereinafter provided for which payment, well and truly to be made, the Principal and
Surety hereby bind themselves, their successors and assigns, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, The Principal is or intends to become a motor carrier subject to the laws of such
State and the rules and regulations of the _____
(Name of Commission)

(hereinafter called Commission), relating to insurance or other security for the protection of shippers
and consignees, and has elected to file with the Commission a bond conditioned as hereinafter set
forth; and

WHEREAS, this bond is written to assure compliance by the Principal as a motor carrier with
the laws of such State and the rules and regulations of the Commission relating to insurance or other
security for the protection of shippers and consignees, and shall inure to the benefit of any and all
shippers or consignees to whom the Principal may be held liable for any of the damages herein
described.

NOW, THEREFORE, if the Principal shall make compensation to shippers and consignees for
all losses or of damages to property belonging to them which shall, while this bond is in effect, come
into the possession of the Principal in connection with its transportation service, regardless of whether
such losses or damages occur while said property is in a motor vehicle, terminal warehouse, or other
place, for which losses or damages the Principal may be held legally liable, then this obligation shall
be void, otherwise it shall remain in full force and effect.

The liability of the Surety for the limits hereinafter provided shall be a continuing one notwithstanding any recovery hereunder, and extends to such losses or damages regardless of whether the motor vehicles, terminals, warehouses, and other facilities used in connection with the transportation service of the Principal are specifically described herein or not, and whether occurring on the route or in the territory authorized to be served by the Principal or elsewhere.

The liability of the Surety for any such loss or damage shall be the limits prescribed in the laws of such State and the rules and regulations of the Commission governing the filing of surety bonds, which were in effect at the time this bond was executed, and shall be a continuing one notwithstanding any recovery hereunder.

This bond is effective from _____ (12:01 A.M., standard time, at the address of the Principal as stated herein) and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice to the Commission, such termination to become effective not less than thirty (30) days after actual receipt of said notice by the Commission.

The Surety shall not be liable hereunder for the payment of any of the losses or damages hereinbefore described which arise on property coming into the possession of the Principal in connection with its transportation service after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety hereunder for the payment of any such losses or damages arising on property coming into the possession of the Principal in connection with its transportation service prior to the date such termination becomes effective.

IN WITNESS WHEREOF, the said Principal and Surety have executed this instrument on the _____ day of _____, ____.

(Principal)

(Affix Corporate Seal)

By _____
(Surety)

(City) (State)

By _____

Countersigned at _____ this _____ day of _____, ____.

Bond No. _____

(Registered Resident Agent)

FORM K
UNIFORM NOTICE OF CANCELLATION OF
MOTOR CARRIER INSURANCE POLICIES

Check Type Canceled:
BI and PD _____
Cargo _____

Filed with _____ (hereinafter called Commission).
(Name of Commission)

This is to advise that under the terms of a policy or policies issued

to _____
(Name of Motor Carrier)

of _____
(Address of Motor Carrier)

by _____
(Name of Company)

of _____
(Address)

said policy or policies, including any and all endorsements forming a part hereof or certificates issued in connection therewith, is (are) hereby canceled effective as of the _____ day of _____, _____, 12:01 A.M., standard time at the address of the Insured as stated in said policy or policies provided such date is not less than thirty (30) days after the actual receipt of this notice by the Commission.

Insurance Company File No. _____
(Policy Number)

Signature of Insurer

FORM L
UNIFORM NOTICE OF CANCELLATION OF
MOTOR CARRIER SURETY BONDS

Check Type Canceled:
BI and PD _____
Cargo _____

Filed with _____ (hereinafter called Commission).
(Name of Commission)

This is to advise that, under the terms of surety bond(s) executed in
behalf of _____
(Name of Principal)
of _____
(Address)
by _____
(Name of Surety)
of _____
(Address)

said bond(s), including any and all riders or certificates attached thereto or issued in connection therewith, is (are) hereby canceled effective as of the _____ day of _____, _____, 12:01 A.M., standard time, at the address of the Principal as stated in said bond(s) provided such date is not less than thirty (30) days after the actual receipt of this notice by the Commission.

Signature of Principal or Surety

Insurance Company File No. _____
(Policy Number)

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Wyoming Department of Transportation
Insurance Requirements

CHAPTER 3

Section 1. **Authority and Purpose.**

These rules of practice and procedure are promulgated by authority of W.S. 24-2-105 and W.S. 31-18-104. They are intended to provide uniform and understandable interpretation of the undefined portion of W.S. 31-18-209.

Section 2. **Insurance Policies, Surety Bonds, Etc.**

(a) **Bodily Injury and Property Damage Liability Insurance:** No contract motor carrier subject to the provisions of the Wyoming Commercial Vehicle Act shall engage in Wyoming intrastate commerce, and no letter of authority shall be issued to such motor carrier or remain in force until the motor carrier files, and the Department approves of, a policy of insurance, or surety bonds for the self insured, not less than the amounts prescribed in Section 3 of this chapter. The insurance policy or surety bonds shall be conditioned to pay, within the amount of such policy of insurance, or surety bonds for the self insured, any final judgment recovered against such motor carriers for bodily injuries to or the death of any person resulting from the negligent operation, maintenance, or use of motor vehicles subject to this act or for loss of or damage to property of others.

(b) **Cargo Insurance:** No contract motor carrier subject to the provisions of this act shall engage in Wyoming intrastate commerce, and no letter of authority shall be issued to such carrier or remain in force until the motor carrier files, and the Department approves of, a policy of insurance, or surety bonds for the self insured, in not less than the amounts prescribed in Section 3 of this chapter. The insurance policy or surety bonds shall be conditioned upon such carriers making compensation to shippers or consignees for all property belonging to shippers or consignees and coming into possession of such carrier in connection with the transportation of the property. This requirement, however, shall not apply to carriers transporting raw agricultural products (except livestock), nor to carriers transporting sand (except in pneumatic trailers), rock, dirt, gravel, or other commodities having no appreciable salvage value.

Section 3. Minimum Insurance Amounts.

The minimum amounts referred to in Section 2 of this chapter are prescribed as follows:

(a) Liability Insurance (Form E)–motor carrier bodily injury and property damage liability, with a combined single limit (CSL) of ~~\$500,000~~ \$750,000 or greater as required by federal law.

(b) Cargo Insurance (Form H)–Common security required to compensate shippers or consignees for loss of or damage to property coming into the possession of common and contract motor carriers in connection with their transportation service. All common and contract motor carriers require \$10,000 of cargo insurance, or greater if required by federal law, except those carriers transporting commodities that do not require cargo insurance. (See Section 2[b].)

(c) House Trailer or Mobile Home Cargo (Form MC61E)–Security required to compensate owners, shippers, or consignees for loss of or damage to each house trailer or mobile home coming into the possession of a contract motor carrier in connection with its transportation service for \$5,000 (comprehensive and collision coverage, including contents).

Section 4. Expiration Date of Insurance Coverage.

Insurance filings are to be filed "continuous until canceled" with only the effective date set forth.

Section 5. Effective Date of Insurance Coverage.

Insurance filings shall show an effective date. No lapse of time can exist between the expiration date of previous insurance coverage and the date of receipt for the new coverage as long as the carrier is operating under the authority issued by WYDOT as set out in Section 6 ~~of these insurance rules~~. These filings are active until canceled by the insurance company.

Section 6. Period of Insurance Coverage.

Contract motor carriers shall have the prescribed insurance information on file and approved by the Department during the entire time they operate under WYDOT authority. Failure to provide the prescribed insurance coverage during any period the carrier has authority to operate shall result in action to revoke or cancel the contract motor carrier authority issued by the Department.

Section 7. Motor Vehicles Covered by Insurance Certificates.

Insurance filings for contract motor carriers automatically cover all single motor vehicles or multiple unit combinations as soon as they are qualified to operate under the carrier's operating authority, during the period of time the coverage remains in force.

Section 8. Information on Insurance Claims.

Any insurance company making insurance filings with WYDOT pursuant to the requirements of the Wyoming Commercial Vehicle Act and the rules and regulations of the Department shall furnish WYDOT, upon request made by the Department or its authorized representative, with any information requested concerning any claim filed against a carrier or the insurance company by reason of insurance filings made with WYDOT.

Section 9. Limits of Insurance Policies.

To qualify for Department approval, each insurance filing shall be for an amount not less than the full limits of liability required under these rules.

Section 10. Forms and Procedure.

(a) Insurance filings such as for liability, cargo, or mobile home cargo or notices of cancellation~~all~~ shall be on WYDOT prescribed and approved forms.

(b) Insurance filings and notices of cancellation shall be filed with the Department ~~in triplicate~~. When WYDOT receives and approves the filing, ~~it all three~~ shall be stamped "accepted" ~~One copy shall be kept for Department records, and the other two shall be returned to the insurance company or its issuing agency. Faxed copies of insurance forms shall be accepted for a period not to exceed 15 days pending the arrival of the original, signed forms.~~

(c) All insurance filings shall be written in the full and correct legal name of the individual, partnership, corporation, or association and doing business as (d/b/a) designation, if any, to whom the authority is to be issued. For partnerships, all partners shall be named on the filing. Filings made in a name other than the exact name by which the carrier applied for operating authority shall not be considered an insurance filing for that carrier under these rules and regulations.

(d) WYDOT may refuse to accept any certificate of insurance, endorsement, or cancellation notice not filed on the Department's prescribed and approved form.

~~Section 11. — **Notice of Cancellation.** —~~

~~Insurance filings shall remain in full force and effect until canceled on not less than 30 days' written notice to WYDOT. The notice shall commence to run from the date it is received at the Department office. Once WYDOT receives an insurance cancellation notice, a new insurance filing shall be made to replace the one canceled.~~

Section 112. **Reproduction-Reproducing of Prescribed Forms.**

The Department has adopted uniform and standard forms for insurance filings and cancellation notices as follow in this chapter. The use of the word "Commission" on these forms shall mean "Department of Transportation" in Wyoming. Insurance companies may print or reproduce these forms to their own size and printing specifications as long as all the information matches the original forms.

Section 123. **Signatures of Authorized Agents.**

In keeping with standard insurance industry practice, an insurance company may elect to allow insurance filings on behalf of the company by any person signing such filings, in which case the insurance company shall be bound by all filings made with the Department under the company name. Failure by any insurance company to honor this standard insurance industry practice may result in a WYDOT decision to disallow all insurance filings from such an insurance company in order to protect the public interest served by having required insurance in effect for carriers who rely upon such a practice.

~~Section 14. — **Insurance Companies; Authorization.** —~~

~~The Department shall not approve an insurance filing under these rules and regulations unless it is written or issued by an insurance company either authorized to do business in Wyoming or lawfully able to transact insurance without a letter of authority pursuant to Title 26 of the Wyoming statutes as determined by the state insurance commissioner.~~

Section 135. **Department Refusal to Accept, or Revocation of, Insurance Policies.**

At any time WYDOT may refuse to accept or may revoke its approval of any insurance filing if in its judgment such filing does not comply with these rules or, for any reason, fails to provide satisfactory or adequate public protection.

~~Section 16. Cancellation or Expiration of Insurance Policies, Effect on Certificates or Permits.~~

~~Authority holders are responsible for maintaining the prescribed insurance coverage. Therefore, if a policy associated with an insurance filing is canceled or expires, the Department shall revoke or cancel the authority granted by the certificate or permit in question from the date the cancellation or expiration becomes effective.~~

Section 147. **Examples of Filings.**

WYOMING
FORM MC61E
CONTRACT MOTOR CARRIER
HOUSE TRAILER OR MOBILE HOME
CERTIFICATE OF INSURANCE
Filed With
WYOMING DEPARTMENT OF TRANSPORTATION
REGULATORY SECTION
Cheyenne, Wyoming

THIS IS TO CERTIFY, That the _____ (hereinafter called company)
of _____ has issued to
_____ of _____
(Name of Motor Carrier) (Address of Motor Carrier)

the policy of Insurance herein described has been amended by the attachment of an endorsement, in the amount of \$5,000.00 for physical damage coverage for each house trailer or mobile home transported and approved by the Wyoming Department of Transportation to provide compensation for loss of or damage to house trailers or mobile homes belonging to shippers or consignees and coming into the possession of the Insured in connection with its transportation service under a permit issued to the Insured by the Department under Title 31, Wyoming Statutes 1999, as amended, and the pertinent rules and regulations of the Department regardless of whether the house trailers or mobile homes themselves or the motor vehicles, and other facilities used in connection with the transportation of said house trailers or mobile homes are specifically described in the policy or not. The liability of the Company extends to such losses or damages whether occurring on the route or in the territory authorized to be served by the Insured or elsewhere within the State of Wyoming.

Whenever requested by the Department, the Company agrees to furnish to the Department a duplicate original of said policy and all endorsements thereon.

The endorsement described herein may not be canceled without cancellation of the policy to which it is attached. Such cancellation may be effected by the Company or the Insured giving thirty (30) days' notice in writing to the Department at its office in Cheyenne, Wyoming, said

thirty (30) days' notice to commence to run from the date notice is actually received at the office of said Department.

Policy No. _____ Effective from 12:01 A.M. standard time at the address of the Insured stated in said policy or policies and continuing until canceled as provided herein.

Countersigned at _____ this ____ day of _____, ____.

MC 61E

Authorized Company Representative

FORM E
UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY
DAMAGE LIABILITY CERTIFICATE OF INSURANCE

~~(Execute in Triplicate)~~

Filed with _____ (hereinafter called Commission)
(Name of Commission)

This is to certify, that the _____
(Name of Company)

(hereinafter called Company) of _____
(Home Office Address of Company)

has issued to _____
(Name of Motor Carrier)

of _____
(Address of Motor Carrier)

a policy or policies of insurance effective from _____ 12:01 A.M. standard time at the address of the insured stated in said policy or policies and continuing until canceled as provided herein, which, by attachment of the Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement, has or have been amended to provide automobile bodily injury and property damage liability insurance covering the obligations imposed upon such motor carrier by the provisions of the motor carrier law of the State in which the Commission has jurisdiction or regulations promulgated in accordance therewith.

Whenever requested, the Company agrees to furnish the Commission a duplicate original of said policy or policies and all endorsements thereon.

This certificate and the endorsement described herein may not be canceled without cancellation of the policy to which it is attached. Such cancellation may be effected by the Company or the insured giving thirty (30) days' notice in writing to the State Commission, such thirty (30) days' notice to commence to run from the date notice is actually received in the office of the Commission.

Countersigned at _____
(Street Address) (City) (State) (Zip Code)

This _____ day of _____, ____.

Authorized Company Representative

Insurance Company File No. _____
(Policy Number)

This form determined by the National Association of Regulatory Utilities Commissioners and promulgated pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302[b][2]).

FORM G
UNIFORM MOTOR CARRIER BODILY INJURY AND
PROPERTY DAMAGE LIABILITY SURETY BOND

~~(Execute in Triplicate)~~

KNOW ALL MEN BY THESE PRESENTS, That we, _____
(Name of Motor Carrier Principal)

of _____ , _____ as Principal (hereinafter called
(City) (State)

Principal), and _____
(Name of Surety)

a corporation created and existing under the laws of the State of _____,
with principal office at _____ , _____ , as Surety,
(City) (State)

(hereinafter called Surety), are held and firmly bound unto the State of _____ in the sum or
sums hereinafter provided for which payment, well and truly to be made, the Principal and Surety
hereby bind themselves, their successors and assigns, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, the Principal is or intends to become a motor carrier subject the laws of such
State and the rules and regulations of _____
Name of Commission

(hereinafter called Commission), relating to insurance of other security for the protection of the public,
and has elected to file with the Commission a surety bond conditioned as hereinafter set forth, and

WHEREAS, This bond is written to assure compliance by the Principal as a motor carrier of
passengers or property with the laws of such State and the rules and regulations of the Commission
relating to insurance or other security for the protection of the public, and shall inure to the benefit of
any person or persons who shall recover a final judgment or judgments against the Principal for any of
the damages herein described.

NOW, THEREFORE, if every final judgment recovered against the Principal for bodily injury
to or the death of any person or loss of or damage to the property of others, sustained while this bond
is in effect, and resulting from the negligent operation, maintenance, or use of motor vehicles in
transportation (but excluding injury to or death of the Principal's employees while engaged in the
course of their employment, and loss of or damage to property of the Principal and
property transported by the Principal designated as cargo), shall be paid, then this obligation shall be
void, otherwise to remain in full force and effect.

Within the limits hereinafter provided, the liability of the Surety extends to such losses, damages, injuries, or deaths regardless of whether such motor vehicles are specifically described herein and whether occurring on the route or in the territory authorized to be served by the Principal or elsewhere.

This bond is effective from _____ (12:01 A.M., standard time, at the address of the Principal as stated herein) and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice to the Commission, such termination to become effective not less than thirty (30) days after actual receipt of said notice by the Commission. The Surety shall not be liable hereunder for the Payment of any judgment or judgments against the Principal for bodily injury to or the death of any person or persons or loss of or damage to property resulting from accidents which occur after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety hereunder for the Payment of any such judgment or judgments resulting from accidents which occur during the time the bond is in effect.

The liability of the Surety on each motor vehicle shall be the limits prescribed in the laws of such State and the rules and regulations of the Commission governing the filing of surety bonds, which were in effect at the time this bond was executed, and shall be a continuing one notwithstanding any recovery hereunder.

IN WITNESS WHEREOF, the said Principal and Surety have executed this instrument on the _____ day of _____, _____.

(Principal)

(Affix Corporate Seal)

By _____
(Surety)

(City) (State)

By _____

Countersigned at _____ this _____ day of _____.

Bond No. _____

Registered Resident Agent

This form determined by the National Association of Regulatory Utilities Commissioners and promulgated pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302[b][2]).

FORM H
UNIFORM MOTOR CARRIER CARGO
CERTIFICATE OF INSURANCE

~~(Execute in Triplicate)~~

Filed with _____ (hereinafter called Commission).
(Name of Commission)

This is to certify, that the _____
(Name of Company)

(hereinafter called Company) of _____
(Home Office Address of Company)

has issued to _____
(Name of Motor Carrier)

of _____
(Address of Motor Carrier)

a policy or policies of insurance effective from _____ 12:01 A.M., standard time at the address of the insured stated in said policy or policies and continuing until canceled as provided herein, which, by attachment of the Uniform Motor Carrier Cargo Insurance Endorsement, has or have been amended to provide cargo insurance covering the obligation imposed upon such motor carrier by the provisions of the motor carrier law of the State in which the Commission has jurisdiction or regulations promulgated in accordance therewith.

Whenever requested, the Company agrees to furnish the Commission a duplicate original of said policy or policies and all endorsements thereon.

This certificate and the endorsement described herein may not be canceled without cancellation of the policy to which it is attached. Such cancellation may be effected by the Company or the insured giving thirty (30) days' notice in writing to the State Commission, such thirty (30) days' notice to commence to run from the date notice is actually received in the office of the Commission.

Countersigned at _____
(Street Address) (City) (State) (Zip Code)

This _____ day of _____, ____.

Authorized Company Representative

Insurance Company File No. _____
(Policy Number)

This form determined by the National Association of Regulatory Utilities Commissioners and promulgated pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302[b][2]).

FORM J
UNIFORM MOTOR CARRIER CARGO SURETY BOND

KNOW ALL MEN BY THESE PRESENTS, That we, _____
(Name of Motor Carrier Principal)

of _____, _____ as Principal (hereinafter called Principal),
(City) (State)

and _____
(Name of Surety)

a corporation created and existing under the laws of the State of _____ with principal office
at _____, _____, as Surety
(City) (State)

(hereinafter called Surety), are held and firmly bound unto the State of _____ in the
sum or sums hereinafter provided for which payment, well and truly to be made, the Principal and
Surety hereby bind themselves, their successors and assigns, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, The Principal is or intends to become a motor carrier subject to the laws of such
State and the rules and regulations of the _____
(Name of Commission)

(hereinafter called Commission), relating to insurance or other security for the protection of shippers
and consignees, and has elected to file with the Commission a bond conditioned as hereinafter set
forth; and

WHEREAS, this bond is written to assure compliance by the Principal as a motor carrier with
the laws of such State and the rules and regulations of the Commission relating to insurance or other
security for the protection of shippers and consignees, and shall inure to the benefit of any and all
shippers or consignees to whom the Principal may be held liable for any of the damages herein
described.

NOW, THEREFORE, if the Principal shall make compensation to shippers and consignees for
all losses or of damages to property belonging to them which shall, while this bond is in effect, come
into the possession of the Principal in connection with its transportation service, regardless of whether
such losses or damages occur while said property is in a motor vehicle, terminal warehouse, or other
place, for which losses or damages the Principal may be held legally liable, then this obligation shall
be void, otherwise it shall remain in full force and effect.

The liability of the Surety for the limits hereinafter provided shall be a continuing one notwithstanding any recovery hereunder, and extends to such losses or damages regardless of whether the motor vehicles, terminals, warehouses, and other facilities used in connection with the transportation service of the Principal are specifically described herein or not, and whether occurring on the route or in the territory authorized to be served by the Principal or elsewhere.

The liability of the Surety for any such loss or damage shall be the limits prescribed in the laws of such State and the rules and regulations of the Commission governing the filing of surety bonds, which were in effect at the time this bond was executed, and shall be a continuing one notwithstanding any recovery hereunder.

This bond is effective from _____ (12:01 A.M., standard time, at the address of the Principal as stated herein) and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice to the Commission, such termination to become effective not less than thirty (30) days after actual receipt of said notice by the Commission.

The Surety shall not be liable hereunder for the payment of any of the losses or damages hereinbefore described which arise on property coming into the possession of the Principal in connection with its transportation service after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety hereunder for the payment of any such losses or damages arising on property coming into the possession of the Principal in connection with its transportation service prior to the date such termination becomes effective.

IN WITNESS WHEREOF, the said Principal and Surety have executed this instrument on the _____ day of _____, ____.

(Principal)

(Affix Corporate Seal)

By _____
(Surety)

(City) (State)

By _____

Countersigned at _____ this _____ day of _____, ____.

Bond No. _____

(Registered Resident Agent)

This form determined by the National Association of Regulatory Utilities Commissioners and promulgated pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302[b][2]).

FORM K
UNIFORM NOTICE OF CANCELLATION OF
MOTOR CARRIER INSURANCE POLICIES

~~(Execute in Triplicate)~~

Check Type Canceled:
BI and PD _____
Cargo _____

Filed with _____ (hereinafter called Commission).
(Name of Commission)

This is to advise that under the terms of a policy or policies issued
to _____
(Name of Motor Carrier)
of _____
(Address of Motor Carrier)
by _____
(Name of Company)
of _____
(Address)

said policy or policies, including any and all endorsements forming a part hereof or certificates issued in connection therewith, is (are) hereby canceled effective as of the _____ day of _____, _____, 12:01 A.M., standard time at the address of the Insured as stated in said policy or policies provided such date is not less than thirty (30) days after the actual receipt of this notice by the Commission.

Signature of Insurer

Insurance Company File No. _____
(Policy Number)

This form determined by the National Association of Regulatory Utilities Commissioners and promulgated pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302[b][2]).

FORM L
UNIFORM NOTICE OF CANCELLATION OF
MOTOR CARRIER SURETY BONDS

~~(Execute in Triplicate)~~

Check Type Canceled:
BI and PD _____
Cargo _____

Filed with _____ (hereinafter called Commission).
(Name of Commission)

This is to advise that, under the terms of surety bond(s) executed in
behalf of _____
(Name of Principal)

of _____
(Address)

by _____
(Name of Surety)

of _____
(Address)

said bond(s), including any and all riders or certificates attached thereto or issued in connection
therewith, is (are) hereby canceled effective as of the _____ day of _____, _____, 12:01
A.M., standard time, at the address of the Principal as stated in said bond(s) provided such date is not
less than thirty (30) days after the actual receipt of this notice by the Commission.

Signature of Principal or Surety

Insurance Company File No. _____
(Policy Number)

~~This form determined by the National Association of Regulatory Utilities Commissioners and promulgated pursuant to the provisions
of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302[b][2]).~~