

ENROLLED ACT NO. 11, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2004 BUDGET SESSION

AN ACT relating to commercial driver's licenses; amending requirements for commercial driver's licenses as specified to comply with federal requirements; establishing a new classification for commercial driver's licenses; specifying grounds for disqualification or cancellation of a commercial driver's license; providing penalties; amending definitions; and providing for an effective date.

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

**Section 1.** W.S. 31-7-102(a)(xli)(B) and by creating new subparagraphs (D) through (J), 31-7-125, 31-7-303(a)(intro), 31-7-304(a)(ii) by creating a new subparagraph (G) and by creating a new subsection (f), 31-7-305(a)(i), (iii) through (v), by creating new paragraphs (vi) and (vii), (e), (f) and by creating a new subsection (h), by renumbering (h) through (k) as (j) through (m) and by creating a new subsection (n), 31-7-310 and 31-7-313 are amended to read:

**31-7-102. Definitions.**

(a) As used in this act:

(xli) "Serious traffic violation" means:

(B) Reckless driving as defined by W.S. 31-5-229; ~~or~~

(D) Erratic lane changes;

(E) Following the vehicle ahead too closely;

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(F) A violation of state or local law relating to motor vehicle traffic control, arising in connection with a fatal accident;

(G) Driving a commercial vehicle without obtaining a commercial driver's license;

(H) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession. An individual shall not be guilty of a violation of this subparagraph if the individual provides proof prior to or at a court or administrative hearing establishing that the individual held a valid commercial driver's license on the date of the citation; or

(J) Driving a commercial motor vehicle without the proper class of commercial driver's license or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.

**31-7-125. Suspension or revocation upon notice of conviction in another state or in federal court.**

The division shall suspend or revoke the license of any resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice of the conviction of the person in another state or in a federal court of an offense which, if committed in this state, would be grounds for the suspension, or ~~revocation~~ or disqualification of the license of a driver under W.S. 6-2-106, 31-5-233, 31-7-127, 31-7-128, or ~~31-7-134~~ or 31-7-305 or upon receiving notice of a violation of a statute which, if committed in this state, would be grounds for suspension under the Motor Vehicle Safety-Responsibility Act. The division may suspend the license of any resident of the state or the privilege of a nonresident

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to drive a motor vehicle in this state upon receiving notice of the conviction of the person in another state or federal court of an offense which, if committed in this state, would be grounds for the suspension of the license of a driver under W.S. 31-7-129.

**31-7-303. Exemptions.**

(a) Notwithstanding any other provision of this act, the department shall by rule and regulation grant an exemption from ~~compliance with the licensing requirements of this act article~~ or with any rule or regulation adopted pursuant to the licensing requirements of this act article to a class of persons or class of commercial motor vehicles exempted by the secretary of the United States department of transportation pursuant to title 49 U.S.C. § 10526 of the United States Code including:

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

(a) Commercial driver's licenses may be issued with the following classifications and endorsements. The holder of a valid commercial driver's license may drive all vehicles in the class for which that license is issued and all lesser classes of vehicles except motorcycles and vehicles which require a separate endorsement, unless the proper endorsement appears on the license:

(ii) The following driver's license endorsements are special authorizations permitting the driver to operate certain types of motor vehicles or transport certain types of cargo if the endorsement is displayed on the driver's license:

(G) "S" authorizes the driver to operate a bus or any motor vehicle as defined in W.S.

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31-7-102(a)(iii) used for the transportation of preschool, elementary or secondary school students from home to school, school to home or to and from school sponsored events.

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

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

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

(i) Driving or in actual physical control of a ~~commercial~~ motor vehicle under the influence of alcohol or a controlled substance to a degree which renders him incapable of safely driving a motor vehicle;

(iii) Knowingly and willfully leaving the scene of an accident involving a ~~commercial~~ motor vehicle driven by the person;

(iv) Using a ~~commercial~~ motor vehicle in the commission of any felony; ~~or~~

(v) Refusal to submit to a test to determine the driver's alcohol concentration while driving or in actual physical control of a ~~commercial~~ motor vehicle; ~~or~~ or

(vi) Driving a commercial vehicle when, as a result of prior convictions, the driver's driving

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privileges are cancelled, suspended or revoked, or the driver is disqualified from operating a commercial motor vehicle; or

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

(e) A person may be disqualified from driving a commercial motor vehicle for life who uses a ~~commercial~~ motor vehicle in the commission of any felony involving the manufacture, distribution or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance.

(f) A person may be disqualified from driving a commercial motor vehicle for a period of not less than sixty (60) days if convicted of two (2) serious traffic violations or one hundred twenty (120) days if convicted of three (3) serious traffic violations, committed in a ~~commercial~~-motor vehicle arising from separate incidents occurring within a three (3) year period.

(h) For offenses specified in this subsection relating to a railroad-highway crossing, a person who holds, or is required to have, a commercial driver's license is disqualified from driving a commercial motor vehicle for a period of sixty (60) days if convicted of a first offense under this subsection, for a period of one hundred twenty (120) days if convicted of a second offense under this subsection in a separate incident within a three (3) year period, or for a period of one (1) year for a third or subsequent conviction under this subsection within a three (3) year period for driving a commercial motor

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vehicle in violation of state or local law or regulation pertaining to one (1) of the following offenses at a railroad-highway crossing:

(i) For drivers who are not required to stop at all railroad-highway crossings, failing to slow down and check that the tracks are clear of an approaching train;

(ii) For drivers who are not required to stop at all railroad-highway crossings, failing to stop before reaching the crossing if the tracks are not clear;

(iii) For drivers who are always required to stop at all railroad-highway crossings, failing to stop before driving onto the crossing;

(iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping;

(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement official at the crossing; or

(vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.

~~(h)~~(j) After suspending, revoking, disqualifying or canceling a commercial driver license, the state licensing authority shall update its records to reflect that action within ten (10) days. After suspending, revoking, disqualifying or canceling a nonresident commercial driver's privileges, the department shall notify the licensing authority of the state which issued the commercial driver license within ten (10) days.

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~~(j)~~(k) Before a person is disqualified from driving a commercial motor vehicle under this act, the department shall notify the person and provide an opportunity for a hearing and appeal in accordance with the provisions of W.S. 31-7-105.

~~(k)~~(m) A disqualification under this section does not affect the department's authority to suspend, revoke, cancel or deny a license under any other law.

(n) A discharge or dismissal under W.S. 7-13-301 shall not limit the authority of the department to disqualify a driver from operating a commercial vehicle if the discharge or dismissal under W.S. 7-13-301 is from an offense specified in this section and the person has been placed on probation as provided in W.S. 7-13-301(a).

**31-7-310. Rulemaking authority.**

The department ~~may~~shall adopt rules and regulations necessary to carry out the provisions of this article and the requirements of the federal motor carrier safety regulations in title 49, Code of Federal Regulations.

**31-7-313. Temporary commercial driver license; fees.**

If a person has his driving privileges suspended or revoked for a violation committed while driving a noncommercial vehicle ~~and the department, hearing officer or court issues an order pursuant to W.S. 31-7-105 permitting the person to operate a motor vehicle for purposes of the person's employment, the department shall issue a temporary commercial driver license to be used by the person to drive to and from work and to drive a commercial motor vehicle only for employment purposes during the period of the suspension or revocation.~~ the department shall not issue a

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temporary commercial driver's license to be used by the person to drive a commercial motor vehicle for the period of the suspension or revocation. The department may issue a noncommercial temporary license as specified in W.S. 31-7-105 if the person is otherwise eligible. The fee for the temporary license shall be the same as for a ~~commercial driver~~ noncommercial driver's license under W.S. 31-7-113(a).

**Section 2.** W.S. 31-7-102(a)(xli)(C) and 31-7-304(a)(ii)(F) are repealed.

**Section 3.** This act is effective July 1, 2004.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk