

ORIGINAL SENATE  
FILE NO. 0051

ENROLLED ACT NO. 29, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

**Section 1.** W.S. 7-19-106(a)(xvi), 7-19-201(a)(xviii) and by creating a new paragraph (xxi), 31-7-102(a)(viii), (xxv), (xlv), by creating a new paragraph (xlviii) and by renumbering (xlviii) as (xlix), 31-7-108(d), 31-7-110(e), 31-7-111(a), (b)(iv) and (f), 31-7-113(a)(vii), 31-7-114(e) and (f)(i) and by creating new paragraphs (iii) through (vi), 31-7-115(a)(ii) and by creating new subsection (c), 31-7-123, 31-7-133(a)(vii), 31-7-304 by creating a new subsection (g) and 31-7-305 by creating new subsections (p) and (q) are amended to read:

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

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

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

ORIGINAL SENATE  
FILE NO. 0051

ENROLLED ACT NO. 29, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

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

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

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

(a) As used in this act:

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

(A) Has a gross vehicle combination weight rating or gross combination weight of twenty-six thousand one (26,001) or more pounds, whichever is greater, inclusive of a towed unit or units with a gross vehicle weight rating or gross vehicle weight of more than ten thousand (10,000) pounds, whichever is greater; or

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

(C) Is of any size and is used in the transportation of hazardous materials ~~found to be hazardous~~

ORIGINAL SENATE  
FILE NO. 0051

ENROLLED ACT NO. 29, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

~~for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Material Regulations (49 CFR Part 172, Subpart F).~~ as defined in W.S. 31-7-102(a)(xxiii); or

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

(xxv) "License", "driver's license", "commercial driver's license", "instruction permit", "commercial learner's permit" or "intermediate permit" means a license or permit secured by a person from the division, in accordance with this act which grants the privilege to drive or operate a motor vehicle on the public highways, streets and roads of this state;

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

(xlviii) "Commercial learner's permit" means a permit issued to an individual which, when carried with a

ORIGINAL SENATE  
FILE NO. 0051

ENROLLED ACT NO. 29, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

valid driver's license issued in accordance with this act, authorizes an individual to operate a commercial motor vehicle when accompanied by a passenger holding a valid commercial driver's license for the class and type of vehicle being driven.

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

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

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

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

(e) Any person who holds a valid Wyoming classified driver's license and who is at least eighteen (18) years of age may apply to the division for a commercial ~~driver instruction~~learner's permit. The division may, after the person has successfully passed all required examination, other than the driving skills examination and paid the required fee, issue to the person a commercial ~~driver instruction~~learner's permit, which entitles the person to drive a commercial motor vehicle on a highway only when accompanied by a person who has a commercial driver's license valid for the type of vehicle driven and who occupies a seat beside the person for the purpose of giving instruction in driving the commercial motor vehicle. The commercial ~~driver instruction~~learner's permit may not be issued for a period to exceed ~~one (1) year~~one hundred eighty (180) days and only one (1) renewal may be granted

ORIGINAL SENATE  
FILE NO. 0051

ENROLLED ACT NO. 29, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

within a two (2) year period for an additional period of one hundred eighty (180) days. Every person holding a commercial driver's license shall obtain a commercial learner's permit prior to upgrading their commercial driver's license to a higher class type, adding an endorsement or removing a restriction which requires a skills test.

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

(a) Every application for an instruction permit, driver's license, commercial driver's license or commercial ~~driver instruction~~ learner's permit shall be made upon a form furnished by the division. Every application shall be accompanied by the proper fee, proof of residence and proof of identity. Proof of identity shall be established by a certified copy of the applicant's birth certificate, valid unexpired United States passport, consular report of birth abroad, certificate of citizenship, certificate of naturalization, permanent resident card, employment authorization document, foreign passport (with United States visa affixed and accompanied by an approved document documenting the applicant's most recent admittance to the United States), state issued driver's license or identification card which complies with federal law and applicable regulations, or other document required by the division to establish identity where reasons beyond the applicant's control prevent the applicant from presenting the documents required by this subsection.

(b) The application shall include:

(iv) The person's social security number or other numbers or letters deemed appropriate on applications for instruction permits, driver's licenses, commercial

ORIGINAL SENATE  
FILE NO. 0051

ENROLLED ACT NO. 29, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

driver's licenses and commercial ~~driver instruction~~  
learner's permits;

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

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

(a) The following fees are imposed:

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

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

(e) No person may be issued a commercial driver's license or commercial learner's permit unless the person is a resident of this state and has passed a knowledge and skills test for driving a commercial motor vehicle as prescribed by rules and regulations of the department which shall at a minimum include the standards established by the secretary of the United States department of transportation. Except as provided in subsections (f) and (g) of this section, the tests shall be prescribed and conducted by the department. The written test for a hazardous materials endorsement shall be taken and passed if the person seeks to retain the "H" endorsement authorized under W.S. 31-7-304(a) (ii) (A).

(f) The department may authorize a person, including an agency of this or another state, an employer, a private driver training facility or other private institution, or a

ORIGINAL SENATE  
FILE NO. 0051

ENROLLED ACT NO. 29, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

department, agency or instrumentality of local government including fire departments to administer the skills test specified by subsection (a) of this section, provided:

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

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

(iv) Fingerprints and other necessary information is provided by, and a federal bureau of investigation's criminal background check is conducted on, every person conducting skills testing on and after January 1, 2014 and on an annual basis thereafter;

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

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

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

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

ORIGINAL SENATE  
FILE NO. 0051

ENROLLED ACT NO. 29, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

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

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

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

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

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

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



ORIGINAL SENATE  
FILE NO. 0051

ENROLLED ACT NO. 29, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

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

(p) If an applicant for a commercial driver's license or a commercial learner's permit has been found to have made a false application or been convicted of making a false application, the applicant may have his commercial driver's license or commercial learner's permit cancelled and be disqualified from operating a commercial motor vehicle for a period of sixty (60) days.

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

ORIGINAL SENATE  
FILE NO. 0051

ENROLLED ACT NO. 29, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING  
2013 GENERAL SESSION

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

(END)

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

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

\_\_\_\_\_  
Governor

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

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

I hereby certify that this act originated in the Senate.

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