

REGULATORY

INTRA-STATE

OPERATING AUTHORITY

MANUAL

Contact Information

**Wyoming Department of Transportation
Motor Vehicle Services Department**

Operating Authority Section

Telephone: 307-777-4850

Fax: 307-777-4772

WYDOT

MVS-Operating Authority

5300 Bishop Blvd.

Cheyenne, WY 82009-3340

www.dot.state.wy.us

FORWARD

Wyoming Operating Authority is the granting of **Intrastate Authority** to an individual or company to operate a motor vehicle as a motor carrier transporting persons or property from one location in Wyoming to another location in Wyoming to an individual or company to operate a motor vehicle as a motor carrier transporting persons or property including service trucks and/or contractors.

Questions can best be resolved by contacting the Department of Transportation in Cheyenne at 307-777-4850.

Wyoming is not a member of the Unified Carrier Registration (UCR) System. Wyoming based carriers must contact a member jurisdiction to obtain information and filing instructions.

WYOMING OPERATING AUTHORITY

PROCEDURES MANUAL

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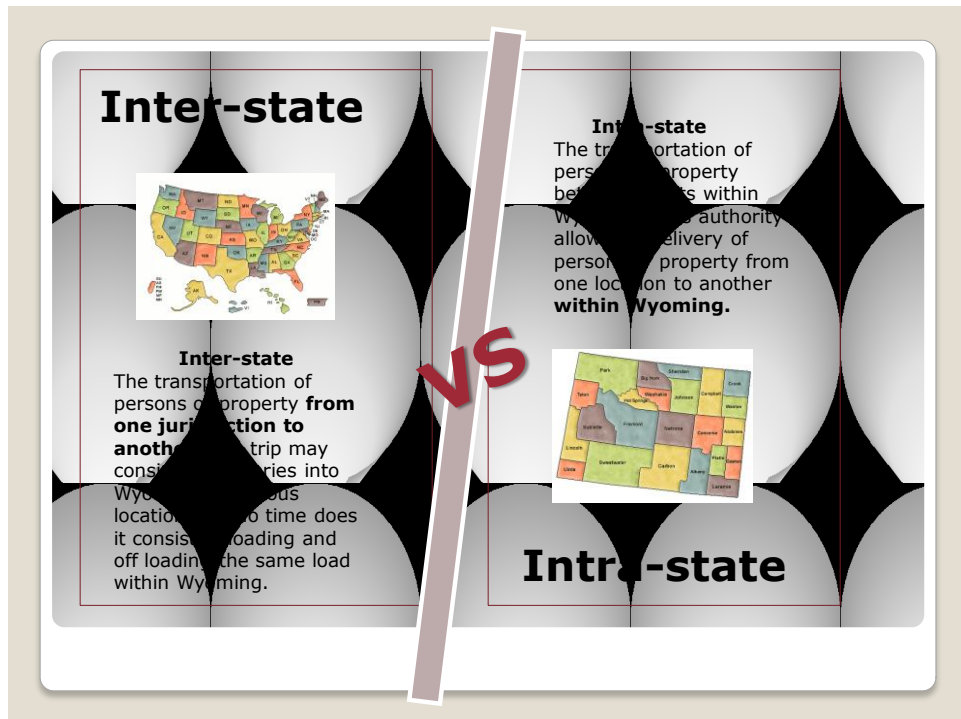
1. **AUTHORITY**

A. Wyoming recognizes two types of authorized operation, Interstate and Intrastate. (See Illustration 1 after this section).

a) **INTERSTATE** – means the transportation of persons or property from one jurisdiction to another. The trip may consist of deliveries into Wyoming at various locations. It may also consist of deliveries and loading. At no time does it consist of loading and off loading the same load within Wyoming.

b) **INTRASTATE** – means the transportation of persons or property between points within Wyoming. This authority allows for delivery and loading of persons or property from one location to another within Wyoming.

Illustration 1



2. **DEFINITIONS**

A. **Compensation** – means money or other recompense given, either directly or indirectly, for the transportation of persons or property by a motor carrier.

- B. **Contract Motor Carrier** – means any person engaged in the intrastate transportation of persons or property by motor vehicle on publicly maintained roads and highways for compensation.
- C. **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 publicly maintained roads and highways, his employees or property of which the person is the owner, lessee, or bailee, used to further any commercial enterprise.
- D. **Taxi/Limousine 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 to exceed seven (7) passengers.
- E. **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 or hauling by rollback vehicles are synonymous and shall be termed a towing and recovery service.
- F. **Float Trips and Hunting Guides** – are considered to be private and/or contract motor carriers.

3. **DO YOU NEED WYOMING OPERATING AUTHORITY?**

- A. **Are you transporting people?** (The weight you are hauling does not matter.)
 - a. **Transporting your company’s employees** – You are a **PRIVATE** Motor Carrier
 - b. **Transporting people for hire or compensation** (taxi/limo; float trip/hunting guide) – You are a **CONTRACT** Motor Carrier
 - i. **You will need to provide a FORM E for proof of insurance coverage.**
- B. **What weight will you be hauling?**
 - a. **Under 26,000 lbs** and **always own** what is hauled: **DO NOT NEED OPERATING AUTHORITY**
 - i. **You will NOT need to provide any proof of insurance to WYDOT.**
 - b. **Over 26,000 lbs** and **always own** what is hauled: You are a **PRIVATE** Motor Carrier
 - i. **You will NOT need to provide any proof of insurance to WYDOT.**
 - c. **Any weight** and **do not own** what is hauled: You are a **CONTRACT** Motor Carrier
 - i. **You will need to provide a FORM E and possibly a FORM H for proof of insurance coverage.**
 - d. **Farmer or rancher** hauling up to **55,000 lbs** of produce or commodities that they either own or are exchanging between other farmers or ranchers: **EXEMPT FROM OPERATING AUTHORITY**
- C. **Are you DRIVING A BUS?**
 - a. **Please see special rules for buses on page 7.**

D. **Are you a PRIVATE and/or a CONTRACT Motor Carrier? You can be both. (See Illustration 2 after this section).**

- a. **PRIVATE** = (You **always own** the property you are transporting.) A person engaged in business and operating a vehicle which has a GVW exceeding 26,000 lbs, who **without compensation**, transports intrastate over state highways their employees or property of which the person is the owner, lessee or bailee, used in the furtherance of any commercial enterprise. Examples: Welding Truck, Service Truck, Railroad vehicle transporting railroad employees, 16 or more passenger Sunday School bus

PRIVATE Motor Carriers must provide the following:

- Operating Authority Application
- Federal ID# or Social Security #
- U.S. DOT # call FMCSA (307) 772-2305
- \$50.00 Filing Fee

- b. **CONTRACT**= (You **DO NOT own** the property you are transporting and/or you are **collecting a fee** either directly or indirectly to transport property.) A person engaged in the intrastate transportation of people or property by motor vehicle on state highways **for compensation**. Examples: Taxi, Bus, Hot Shot, Fishing/Hunting Guide, Daycare Bus, Tour Bus, Towing and Recovery Vehicles, Repossession Companies

- i. **What are you transporting?** If customer is carrying some types of cargo, (mainly items that you can dump and sweep up and it doesn't change the value – dirt, sand, logs, etc.) they will only need FORM E (Liability Insurance). If customer is carrying other types of cargo that has appreciable value, they will need both FORM E (Liability Insurance) and FORM H (Cargo Insurance). If customer is hauling a mobile home, they will need Form E (Liability Insurance) and FORM H (Cargo Insurance) and Form MC61E (Mobile Home Mover's Insurance). See list of insurance filings required for various types of cargo.

CONTRACT Motor Carriers must provide the following:

- Operating Authority Application
- Federal ID# or Social Security #
- U.S. DOT # call FMCSA (307) 772-2305
- \$50.00 Filing Fee
- FORM E (Liability Insurance)
- FORM H if necessary (Cargo Insurance)
- FORM MC61E if necessary (Mobile Home Mover's Insurance)

4. DOES YOUR BUS NEED OPERATING AUTHORITY?

A. Which buses do not need Operating Authority?

- Buses titled in a Government, State, or subdivision name or being used by the government entity City, State, School, and any other “Exempt” plated vehicle); even if a fee is collected to ride the bus.
 - A Cheyenne city bus charging fares to customers.
- Buses titled in a Government, State or subdivision name being used for hire, compensation or profit by a non-government entity.
 - CFD contracting with LSCD1 to use LCSD1 buses for CFD compensation.

B. Which buses need Operating Authority as a **Private Carrier?**

- Buses designed to transport 16 or more passengers, including the driver, to and from Sunday school. (Not used for hire, compensation, or profit – but used in the furtherance of a commercial enterprise).

C. Which buses need Operating Authority as a **Contract Carrier?**

- Buses used for hire, compensation or profit – even one trip.
 - A bus taking UW fans from Cheyenne to Laramie for compensation.
 - A senior center bus receiving compensation from customers for a trip to go gambling. (Unless the senior center bus has Wyoming issued “Exempt” license plates).
 - A non-profit entity bus receiving compensation for a trip to go shopping. (Unless the bus has Wyoming issued “Exempt” license plates).
 - A daycare bus receiving compensation through daycare fees to drive the kids to school or other activities.
 - A bus taking outpatients to and from activities, if there is a fee for the outing.

5. EXEMPTIONS

You **DO NOT** need Operating Authority if any of these exemptions apply to you.

- A. Privately owned motor vehicle used in making nonprofit, educational, and/or religious tours of the state.
- B. Transportation in 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 the farm or ranch. (If you are hauling 55,001 lbs or more, you must obtain Operating Authority.)

- C. The exchange of transportation in their own vehicles or combination of vehicles having a gross vehicle weight of less than fifty-five (55,000) pounds, by farmers or ranchers, or employees of farmers and ranchers, exclusively in their service, when the exchange is between the farmers or ranchers, or their employees in the immediate community.
- D. The exclusive transportation of children to and from school.
- E. The transportation of sick, injured, or deceased persons by ambulance or hearse.
- F. Transportation by motor vehicle when the motor vehicle is owned and operated by the United States, the State of Wyoming, or any subdivision thereof.
- G. Motor Carriers engaged in the exclusive transportation of the United States Mail.
- H. Transportation by a motor vehicle on highways that are not publicly maintained.

6. **COMMUNICATIONS, ADDRESSES, AND NOTICES**

- A. All applications, written communications, and documents shall be addressed to:

Wyoming Department of Transportation
Regulatory Section
5300 Bishop Blvd.
Cheyenne, WY 82009-3340
Telephone: 307-777-4850
Fax: 307-777-4772
E-mail: MVS@wyo.gov

- B. Carriers shall report changes of address for the principal place of business and/or mail address.
- C. All required notices mailed to the carriers shall be presumed received if mailed to the carriers 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 postal service returns the first notice.

7. **COPIES OF LETTER OF AUTHORITY**

- A. One copy of the Wyoming Operating Authority will be furnished to the carrier. It is the carrier's responsibility to supply each authorized motor vehicle with a copy of

the authority letter. A letter of Operating Authority must be carried in the qualified vehicle at all times. If the letter of authority is lost, a new one can be issued for a \$10.00 fee pursuant to W.S. 31-18-209.

8. **PERMANENT OPERATING 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 cancelled at the holder's request
- B. NO INTRASTATE CARRIER SHALL OPERATE ON THE HIGHWAYS WITHOUT A COPY OF ITS CURRENT LETTER OF OPERATING AUTHORITY IN EACH POWER UNIT. If the letter of authority is lost, a new one can be issued for a \$10.00 fee pursuant to W.S. 31-18-209.

9. **INSURANCE REQUIREMENTS**

- A. Contract and Contract/Private motor carriers must have the required insurance filings before Operating Authority will be issued. Insurance must remain in effect at all times while operating as an intrastate motor carrier or Operating Authority will be revoked and cancelled.
- B. Insurance requirements minimum limits are as follows.
 - a) Form E (Liability) \$500,000.00 Combined Single Limit. (CSL)
 - b) Form H (Cargo) \$10,000.00
 - c) Form MC61E \$5,000.00 (Mobile Home Cargo)
 - d) Private only motor carriers are exempt from insurance filing requirements.
 - e) Contact your insurance provider to have the required insurance filed with the Department.
 - f) Insurance filings MUST be made to: The Wyoming Dept. of Transportation, Regulatory Section.
 - g) Insurance filings may be faxed to the Department with the original filings to be received in the Department within 15 days. Insurance filings may be made via email to mvs@wyo.gov. **Certificates of insurance are not acceptable.**
 - h) Insurance filings will remain in effect until cancelled by the insurance carrier on no less than thirty (30) days written notice (Form K) to the Department. The notice shall commence to run from the date it is received by the Department. Once the Department receives an insurance cancellation notice, a new insurance filing must be made and received by the Regulatory office

before the insurance cancellation date. If the operating authority is revoked due to insurance lapse, a new application and \$50.00 filing fee must be remitted before authority will be reinstated.

- i) Contract motor carriers must always have the Form E Liability filing.
- j) Contract motor carriers require the Form H insurance filing when hauling appreciable value commodities.
- k) Cargo filings are not required for commodities that have no appreciable salvage value.
- l) Applications and insurance filings are held for thirty days before returning if invalid or incomplete.
- m) All insurance filings must be filed in the full and correct legal name of the carrier. Filings made in a name other than the exact name by which the carrier applied for Operating Authority, will not be considered as an insurance filing for that carrier.

INSURANCE FILINGS REQUIRED FOR VARIOUS TYPES OF CARGO

FORM "E" ONLY (LIABILITY) BULK	FORM "E" AND "H" (LIABILITY AND CARGO) BAGGED
<p>Agricultural Product (not in pneumatic trailer): Barley, Beans, Corn & Potatoes Straw, Sugar Beets, Wheat Asphalt (blacktop – hot mix) Bentonite (not in pneumatic trailer) Blacktop- Hot Mix Cement Coal Feed (not bagged) Firewood Fly Ash, Soda Ash, Potash (not in pneumatic trailer) Hay and Hay Cubes, Straw Logs Newspapers Ore Passengers & Equipment in conjunction with: Fishing Tours, Float Trips, Outfitting Tours (if > 26,000 lbs) Poles Post Road Mix Rock, Dirt , and Gravel (not bagged) Rough Milled Lumber Rubbish and Construction Debris Salt Sand (not in pneumatic trailer) Sawdust, Firewood, Wood Chips (not bagged) Scrap Iron and Junk Metals Sod Soil Soil Cement Taxi / Limousine Service / Shuttle (passengers & their luggage) Trash Uranium Products (natural state or raw) U.S. Mail (exception is Government US Mail trucks) Water Wet Concrete</p>	<p>Any cargo that you do not own Air Cargo / Air Freight Any cargo with an appreciable value Ash, Bentonite (in pneumatic trailer) Building Materials Cement (bagged, sacked or blocks) Diesel Fuel, Fuel Oil, Kerosene, Petroleum and Petroleum Products, Fuels and Fuel Products, Crude Feeds (bagged or sacked) Fertilizer (bagged, pellet or liquid) Grain (bagged or sacked) Grain Storage Tanks (unless junked) Hazmat Waste Heavy Equipment Hot Shot Service House Hold Goods House Movers (whole house) In Pneumatic Trailers: Soda Ash Sand (refined silica) Potash Fly Ash Bentonite Light Freight (all kinds) Light and Heavy Machinery Livestock Lumber (like 2x4's or 2 x 8's) Milled products if hauled in containers larger than 10 gal. Oilfield Equipment, Materials and Supplies Petroleum and Petroleum Products Reinforcing Construction Steel Seeds Steel Culverts / Steel Products Sulphuric Acid (any acid) Taxi Service with Light Express Delivery Whey (milk products)</p>
<p>Bulk = loose, end side belly dump truck, anything that falls off the truck is not devalued. You can scoop up and still use.</p>	<p>Pneumatic Trailer = closed trailer that carries a graded product. If the bag breaks open and you are unable to use.</p>
<p>Mobile Home Movers Form "E" = 500,000 minimum Combined Single Limit (Liability) Form "H" = 10,000 minimum (Cargo = personal contents) Form "MC61E" = 5,000 minimum (Mobile Home = Physical Damage)</p>	

10. **OPERATING AUTHORITY APPLICATIONS**

A. All applications for Operating Authority must be accompanied by the following fees.

- | | |
|--|---------|
| a) Application for Operating Authority
(One-time fee unless Operating Authority is cancelled). | \$50.00 |
| b) Reinstatement of Operating Authority | \$50.00 |
| c) Name change of Operating Authority | \$50.00 |
| d) Lost letter of Authority | \$10.00 |
| e) Address change on letter of Authority
charge | No |
| f) Replacement of very old letter of Authority
charge
(Letter does not list DOT # or was dated prior to 12/2012) | No |

B. Instructions for completing the application are as follows.

- a. Enter the applicant's name. If this is a corporation, use the corporate name.

PLEASE NOTE: the applicant's name on the application must match the name on the Secretary of State files and the name on all required insurance filings.

- b. Enter Trade Name or d.b.a.
- c. Enter mailing address.
- d. Enter physical address of business.
- e. Enter telephone number, fax number, cell phone number and email address if applicable.
- f. Enter Federal ID Number (FEIN) or Social Security Number (SSN).
- g. Enter U.S. DOT Number.
- h. Indicate whether private carrier, contract carrier, or both.
- i. Indicate what commodities will be transported. Be specific about the nature of your business
- j. If applicable, indicate whether you will be transporting mobile homes.

- k. If applicable, indicate whether you operate towing/recovery vehicles. Before application can be processed, a wrecker inspection must be completed by the Wyoming Highway Patrol.
- l. Indicate type of ownership.
- m. If the business is a corporation, indicate the state of corporation. Also indicate name, title, and address of corporate officers, partners, or associates or principal officers for partnerships, associations, corporations or LLC.
- n. Complete both sides of the application if seeking both private and contract authority.
- o. Date and sign the application and remit to the Department with the \$50.00 filing fees.

NOTE: When the Department of Transportation cancels an operating authority for good cause (i.e. lack of insurance or safety reasons), the carrier shall file a new application for operating authority and pay the \$50.00 filing fees.

11. **TOWING AND RECOVERY VEHICLES**

- A. Tow Vehicles shall be inspected by the Wyoming Highway Patrol, and classified as follows.
 - a) Class “A” – Tow vehicles designated as Class “A” shall service only vehicles not in excess of 10,001 pounds gross vehicle weight.
 - b) Class “B” – Tow Vehicles designated as Class “B” may service vehicles not exceeding 26,000 pounds gross vehicle weight.
 - c) 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.
- 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).
 - a) **Class “A” tow vehicles shall have:**
 - 1. A gross vehicle weight rating of at least 10,000 pounds.
 - 2. A boom capacity of not less than 8,000 pounds.

3. A winch capacity of not less than 8,000 pounds equipped with not less than 3/8-inch independent wire cable.
4. A tow cradle, tow plate, or tow sling with a lift rating of 3,500 pounds, and a tow rating of 7,500 pounds to lift up vehicles.
5. Dual rear wheels and tires or super single tires and wheels.
6. If a rollback vehicle is used, it shall:
7. Remain within the manufacturer's ratings for wheel lift/tow specifications.
8. Not exceed the allowable loaded weight as indicated by the manufacturer (gross vehicle weight rating).
9. Have a winch capacity of not less than 8,000 pounds equipped with not less than 3/8-inch independent wire cable.

b) **Class "B: tow vehicles shall have:**

1. A gross vehicle weight rating of at least 20,000 pounds.
2. A double boom capacity of not less than 16,000 pounds each or a single boom capacity of not less than 28,000 pounds.
3. A winch capacity of not less than 28,000 pounds, equipped with not less than ½-inch independent wire cable.
4. A wheel-lift tow rating of 10,500 pounds and a lift rating of at least 7,500 pounds. (If so equipped.)
5. 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.
6. Dual rear wheels and tires or super single tires and wheels.
7. 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.

c) **Class “C” tow vehicles shall have:**

1. A gross vehicle rating of at least 30,000 pounds.
2. A double boom capacity of not less than 20,000 pounds each or a single boom capacity of not less than 40,000 pounds.
3. A winch capacity of not less than 40,000 pounds equipped with not less than 9/16-inch independent wire cable.
4. Auxiliary air brake lines and hoses connected to buses, tractors, trailers, or other towed vehicles when required as a matter of public safety.
5. Dual rear wheels and tandem axle drive or super single tires and wheels with tandem axle drive.
6. A wheel lift tow rating of at least 25,000 pounds, and a lift rating of at least 12,000 pounds (if so equipped); or a tow sling or tow bar lift with a rating of at least 12,000 pounds.
7. 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(c) and 11(d).
 - iv. When the power unit is not being used in 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.

C. Lighting Requirements.

- a) The following lighting shall be required and may be contained within a commercially manufactured light bar.
 1. 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).

2. 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 the front and rear and mounted as high as practical.
- b) Towed vehicles shall display working taillights, turn signals, and stop lights controlled by the towing vehicle's operator.

D. Additional Equipment Requirements.

- a) All tow vehicles shall be equipped with the following.
 1. All safety equipment prescribed by the U.S. Department of Transportation Safety Regulations within C.F.R. Title 49, as adopted by the Wyoming Department of Transportation.
 2. Adequate equipment capable of removing glass and other debris as prescribed in W.S. 31-5-177(b).

E. Restrictions

- a) All tow vehicles shall be operated in compliance with all traffic laws and regulations.
- b) Effective November 24, 2008, all persons engaged in towing and recovery within the rights-of-way of federal-aid highways shall wear safety apparel 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.
- c) Motor carriers operating tow vehicles not meeting the requirements of these rules may be subject to Department disciplinary action that may result in the revocation or cancellation of the carriers Wyoming Operating Authority.

F. Application for Letter of Authority

- a) Before performing a towing service as a private or contract motor carrier own or lessee of the tow vehicle shall apply for and receive a letter of Operating Authority from the Department. The application shall be submitted on forms the Department furnishes.
- b) After receiving the application, but before issuing the permit, the Department shall cause an inspection of the tow vehicle. A copy of the inspection shall be sent to the Regulatory Section of the Department, to be placed in the carrier's file. To receive a letter of authority, the tow vehicle shall meet the specifications for the class requested, and the owner or lessee shall certify the information furnished is correct.

G. Inspection

- a) The Department shall cause an **ANNUAL INSPECTION** between January and June to determine the condition of the tow vehicle and its equipment. A copy of the inspection shall be sent to the Regulatory Section of the Department to be placed in the carrier's file, and another copy shall be carried in the tow vehicle.
- b) Tow Vehicles not meeting the requirements may result in the revocation or cancellation of the carrier's Wyoming Operating Authority.

H. Special Provisions

- a) In an emergency, peace officers are authorized to use any qualified or non-qualified equipment as necessary.
- b) Peace officers, while performing their duties, shall not be responsible to pay for services performed by tow and recovery vehicle operators.

12. **CANCELLATION OF AUTHORITY AND REAPPLICATION**

- A. 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.

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 be qualified by the lessee to operate under that Operating Authority. When motor vehicles owned by one carrier holding Wyoming Operating Authority are leased to another carrier, a copy of the lessee's current letter of Operating 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 responsible for its operation, in accordance with the applicable statutes, law, and regulations, including the requirements of these rules and regulations concerning equipment safety, inspections, 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 (period of time the lease is to be in effect) and the consideration to be paid by the lessee.
 - a) During the entire lease term a carrier holding a letter of authority issued by the 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 shall be available for inspection by Department representatives or other authorized persons.

- b) 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 agreement to evade some aspect or regulation within the Wyoming Department of Transportation Jurisdiction, an investigation shall be instituted and a formal complaint issued if necessary. If the Department determines the lessor and lessee entered into a motor vehicle equipment lease to avoid regulation by Wyoming statutes or Department rules and regulations, the Department may request the Attorney General to institute proceedings in the courts of the State, or take whatever action it deems necessary and proper.

14. **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. 390.05, to comply with:
 - a) All Wyoming laws pertaining to safe operation and such rules and regulations promulgated by the Wyoming Department of Transportation.
 - b) 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.
 - i. The following motor carrier safety regulations of the United States Department of Transportation: C.F.R. Parts 40, 373, 382, 383, 385, 390, 391, 392, 393, 395, 396, and 397 for interstate transportation and as amended in the appendix to Chapter A of the rules for intrastate transportation.
- B. The Department shall conduct audits and inspections as needed to enforce State and Federal laws and regulations related to interstate and intrastate motor carrier operations. The Department's authorized employees and 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 in order to administer and enforce state and federal laws related to motor carrier operations, provided that:
 - a) Departments 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;
 - b) If the Departments 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.

- c) 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 the following ratings.
 - a) Satisfactory – The carrier **may** be required to submit a letter of compliance within the designated period of time to the Department. A follow up compliance review may be conducted.
 - b) Unsatisfactory – The carrier **shall** be required to submit a letter of compliance to the Department within thirty (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 the carrier for noncompliance.
- D. These regulations shall authorize placing a driver out-of-service for driving or working in excess of hours of service and any other conditions identified in the federal safety standards and found by the Department 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. 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 use the established material form 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. The regulations shall remain current with the North American Uniform Out-of-Service Criteria as changes are made.

15. **FORMS AND REGULATIONS FOR BILLS OF LADING AND FREIGHT BILLS**

- A. Contract motor carriers shall use and carry in their motor vehicles at all times, uniform bills of lading showing all property that is being transported. The carrier shall deliver copies to both consigner 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, shipping order, or memorandum copy. The carrier shall retain a copy of the shipping order for three (3) years for possible inspection by the Department at its convenience.
- C. Instead of executing the combination bill of lading mentioned in the 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 refer to the bill of lading covering the entire shipment. (See W.S. 31-18-209).
- E. Private motor carriers are not required to carry in the motor vehicles a bill of lading or other shipment documents, except when transporting a hazardous material as required in 49 C.F.R. 177.187 as adopted by the Department. The requirement for intrastate private carriers shall be governed by the appendix to Chapter 1, Section 15, of the rules and regulations governing private motor carriers.

16. **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 13 to file for an original hearing before the Department may appeal to an appellate hearing panel appointed by the Department in the same manner, and to the same extent, as provided in the Wyoming Administrative Procedure Act.