

2020 Operating Authority Manual

Wyoming Department of Transportation
Motor Vehicle Services Department

Operating Authority Section

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WYDOT

MVS – Operating Authority Section

5300 Bishop Blvd.

Cheyenne, WY 82009-3340

www.dot.state.wy.us

**NOTE: Our office hours are 8:00 am to 4:30 pm, Monday – Friday.
Please arrive early to allow sufficient time to process your application.
New applications will not be processed after 3:00 pm.**

MVS will not be open on the following holidays:

New Year's Day	Independence Day	Christmas Day
Martin Luther King Jr. Day	Labor Day	
President's Day	Veteran's Day	
Memorial Day	Thanksgiving Day	

FORWARD

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

If you have any questions, please contact the Department of Transportation in Cheyenne at 307-777-4850 or email MVS@WYO.GOV

Please Note: If your operations also include **interstate (transporting from one state to another state) commerce** as one of the following: Motor carrier; Motor private carrier; Freight forwarder; Broker; or Leasing company, **you must sign up for Unified Carrier Registration (UCR)**. Since Wyoming is not a member of UCR, Wyoming based carriers must contact a member jurisdiction. To obtain information and filing instructions go to: <http://www.ucr.in.gov/>

WYOMING OPERATING AUTHORITY

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1. AUTHORITY

A. Wyoming recognizes two types of authorized operation, Interstate and Intrastate.

- 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.

*If you are an interstate carrier, you may need to sign up for UCR in a participating state.

- 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.

*If you are an **intrastate** carrier, you may need to apply for Wyoming Operating Authority.

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 usually 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
- B. **Are you transporting property? If so, what weight are you hauling?**
- a) **Under 26,000 lbs and always own** what is hauled: **DO NOT NEED OPERATING AUTHORITY**
 - b) **Over 26,000 lbs and always own** what is hauled: You are a **PRIVATE** Motor Carrier
 - c) **Any weight and do not own** what is hauled: You are a **CONTRACT** Motor Carrier
 - d) **Farmer or rancher** hauling produce or commodities that they either own or are exchanging between other farmers or ranchers: **EXEMPT FROM OPERATING AUTHORITY**
- C. **Are you using a Bus to transport?**
- 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.)**
- 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#
- U.S. DOT # Intrastate and Interstate -307-772-2305 or 1-800-732-5660
- \$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

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#
- U.S. DOT # if the GVW is more than 26,000 lbs or the vehicle is a taxi hauling more than 7 passengers [Small taxi's hauling 7 plus the driver DO NOT need a DOT #.] US. DOT 307-772-2305 or 1-800-832-5660
- \$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 LCSD1 to use LCSD1 busses for CFD compensation.

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

- Buses designed to transport 16 or more passengers that are NOT being used for hire, compensation or profit.
 - A church bus 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, or religious tours of the state.
- B. Transportation in his own motor vehicle or combination of vehicles 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.
- C. The exchange of transportation in their own vehicles or combination of vehicles 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. (School District Bus)
- 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. Noncommercial vehicles in the exclusive transportation of the United States Mail.
- H. The intrastate transportation of livestock for show, performance or competition for noncommercial purposes.
- I. 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:

WYDOT – MVS – Regulatory Section
5300 Bishop Blvd.
Cheyenne, WY 82009-3340
Telephone: 307-777-4850
E-mail: MVS@wyo.gov

- B. Carriers shall **immediately** report changes of address for the principal place of business and/or mail address to the Department.
- 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.

COPIES OF LETTER OF AUTHORITY

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.

7. 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 will be issued for a \$10.00 fee pursuant to W. S. 31-18-209.

8. 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) \$750,000.00 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 made through the postal service or by 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. This name must also match the name listed on the Federal DOT # . 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 it up and still use the product.</p>	<p>Pneumatic Trailer = closed trailer that carries a graded product. If the bag breaks open, you are unable to use the product.</p>
<p>Mobile Home Movers Form "E" = \$ 750,000 minimum Combined Single Limit (Liability) Form "H" = \$ 10,000 minimum (Cargo = personal contents) Form "MC61E" = \$ 5,000 minimum (Mobile Home = Physical Damage)</p>	

9. OPERATING AUTHORITY APPLICATION

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

- a) Private Motor Carrier \$50.00
- b) Contract Motor Carrier \$50.00
- c) If applying for BOTH Private and Contract at the same time, the filing fee will be \$50.00.
- d) Name Changed and Information updates \$50.00
- e) Duplicate letters \$10.00

B. Instructions for completing the application are as follows.

- a) Enter the applicant's name. If this is a corporation or LLC, use that name.
- b) Enter Trade Name or d.b.a.
- c) Enter mailing address.
- d) Enter physical address of business.
- e) Enter telephone number, cell phone number, and fax number, and email address.
- f) Enter Federal ID Number (FEIN).
- g) Enter U.S. DOT Number.
- h) Check box to indicate whether private, contract or both. (Both boxes can be checked.)
- i) Check box to indicate type of ownership, if the business is a corporation or LLC, indicate which state it is incorporated/organized under and date of incorporation/organization.
- j) If the business is a partnership, association or corporation, indicate name, title, and address of corporate officers, partners, associates or principal officers.
- k) If you are applying for PRIVATE Authority, describe the nature of your business and list the commodities you intend to transport. (No additional insurance is required for PRIVATE Authority.)
- l) If you applying for CONTRACT Authority, list the commodities you intend to transport. (All CONTRACT Carriers require liability insurance filings – Form E; most CONTRACT Carriers require cargo insurance filings – Form H. See page 8 to see if you require cargo insurance.)
 - a. If you are transporting mobile homes, note this on your application. (Contract Carriers transporting mobile homes require cargo insurance filings – Form MC-61E).

- b. If you are operating towing/recovery vehicles, note this on your application. Before your application may be processed, a wrecker inspection must be completed by the Wyoming Highway Patrol.
- m) Date and sign the application and remit the \$50.00 filing fees. If Insurance filings are required have your insurance carrier submit them directly to WYDOT via mail to or e-mail:

WYDOT - MVS- Regulatory Section
5300 Bishop Blvd.
Cheyenne, WY 82009-3340
mvs@wyo.gov

* If WYDOT 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.

10. TOWING AND RECOVERY VEHICLES

- A. **Tow Vehicles shall be inspected by the Wyoming Highway Patrol, and classified as follows.**
 - a) 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 11, paragraph (B)(a) of this chapter.
 - b) 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 11, paragraph (B)(b) of this chapter.
 - c) 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 11 paragraph (B)(c) of this chapter.
 - d) 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 11, paragraph (B)(d) of this chapter and are not eligible for the Wyoming Highway Patrol Nonconsensual Tow and Recovery Rotation List.
 - e) Class "R" tow and recovery vehicles meeting the specifications in Section 11, paragraph (B)(e) 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.)

a) Class "A" tow vehicles shall have:

1. A minimum gross vehicle weight rating (GVWR) of not less than 10,000 pounds.
2. Individual boom capacity of not less than 8,000 pounds when retracted, as rated by the manufacturer.
3. 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.
4. 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.
5. Dual rear wheels.
6. Additional safety equipment as specified by federal and state regulations.

b) Class "B: tow vehicles shall have:

1. A towing vehicle chassis with a manufacturer's capacity of 21,000 pounds or greater gross vehicle weight rating (GVWR).
2. An individual boom capacity of not less than 24,000 pounds when retracted.
3. 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.
4. A wheel underlift tow rating of at least 20,000 pounds and a lift rating of at least 9,000 pounds when retracted.
5. Light and air-brake hookups.
6. Additional safety equipment as specified by federal and state regulations.

c) Class "C" tow vehicles shall have:

1. A gross vehicle weight rating of at least 35,000 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 at least 175 feet of 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. 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.

d) **Class “L” tow vehicles shall have:**

1. A minimum gross vehicle weight rating (GVWR) not to exceed 15,000 pounds;
2. Individual boom capacity of not less than 5,000 pounds, as rated by the manufacturer;
3. 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 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;
4. Single or dual rear wheels; and
5. Additional safety equipment as specified by federal and state regulations.

e) **Class “R” tow vehicles shall have:**

1. A minimum gross vehicle weight rating (GVWR) of not less than 12,000 pounds;
2. 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
3. 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.
4. Additional safety equipment as specified by federal and state regulations.

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 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.
- b) 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 vehicles shall comply with the following:

- a) 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.

- b) Adequate equipment capable of removing class and other debris as prescribed in W.S. 31-5-117(b).
- c) A trailer used as a recovery or removal operations vehicle shall comply with the following:
 1. Not exceed the allowable loaded weight as indicated by the manufacturer (gross vehicle weight rating);
 2. When pulled by a power unit in a recovery operation, the power unit shall meet the lighting and safety requirements outlined in subsections 11 (C) and 11(D); and
 3. 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.
- d) Winches, wheel lifts, cradles, tow plates, tow slips, and booms shall be built by a manufacturer of such equipment and shall not be "homemade."
- e) Tow and recovery vehicles equipped with fixed booms and/or "true- hitch" are not authorized for recovery operations.
- f) Come-a-longs, chains, or other similar devices shall not be used as substitutes for winch and cable.

E. Restrictions

- a) All tow vehicles shall be operated in compliance with all traffic laws and regulations.
- b) 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.
- c) 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.
- d) All tow and recovery vehicles are subject to all applicable federal and state commercial vehicle statutes and rules and regulations.
- e) 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.
- f) If directed by state statutes, tow and recovery vehicles shall stop at Wyoming ports-of-entry.
- g) 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.
- h) 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

- a) 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).
- b) 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.
- c) 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

- a) 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.
- b) 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 vehicle shall meet the specifications for the class requested, and the owner or lessee shall certify the information furnished is correct.

H. Inspection

- a) In addition to any roadside inspections initiated by WHP, described in Section 11(E)(f) of this rule, the Department shall cause an ANNUAL INSPECTION between January 1st and June 30th to determine the condition of the tow vehicle and its equipment. A copy of the inspection shall be sent to the Regulatory Section to be placed in the carrier's file, and another copy shall be carried in the vehicle.
- b) Tow Vehicles not meeting the rule requirements at the annual inspection or under inspections found in Section 11(E)(e) of this rule may have their letter of authority revoked and canceled.

I. Special Provisions

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

11. 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.

12. 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.

13. 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 105 through 107, 109, 110, 130, 171 through 180

- c) The following motor carrier safety regulations of the United States Department of Transportation: 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 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.

14. **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.

15. **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.