

SPECIAL RULES RELATING TO DRIVERS' LICENSES

Chapter 6

Section 1. **General Construction.** These special rules relating to drivers' license contested case proceedings before the Office are intended to supplement the foregoing provisions of Chapter 2. To the extent that any difference exists, the special rule takes precedence over any foregoing provision.

Section 2. **Evidence.**

(a) In addition to other evidence properly received in all drivers' license contested cases, the presiding hearing examiner shall admit into evidence the Wyoming Department of Transportation's certified record prepared in accordance with Wyoming Statute § 31-7-120.

(b) For any contested case hearing concerning Implied Consent - Administrative Per Se suspension (Wyo. Stat. Ann. §§ 31-6-101 through -108), or Commercial Driver's License Implied Consent disqualification - blood alcohol concentration of four one-hundredths of one percent (0.04%) or more (Wyo. Stat. Ann. §31-7-307), the Wyoming Department of Transportation's certified record shall consist of:

- (i) The peace officer's signed statement of probable cause;
- (ii) The notice of suspension or disqualification;
- (iii) A copy of the temporary license, if issued;
- (iv) Documentation that chemical testing was conducted in compliance with the Wyoming Department of Health Chemical Testing Program including, but not limited to, the operational checklist for chemical breath tests, or other documentation sufficient to establish the result of chemical testing for blood or urine tests; and
- (v) All other evidence which is material to the matter.

(c) For those contested case hearings referenced in subsection (b) above, when the Wyoming Department of Transportation presents evidence establishing that the chemical testing was conducted using methods approved under Wyoming Statute § 31-6-105, it shall be presumed that the test result is accurate. This presumption may be rebutted by evidence establishing that the specific test result is inaccurate as a result of equipment malfunction or improper administration.

Section 3. **Hearing Deadline.** In all drivers' license cases, the contested case hearing shall be conducted, and the official record closed, no more than ninety (90) days after the matter is referred to the Office. The hearing examiner shall issue a final order no more than thirty (30) days after the record is closed.