

Federal Hazardous Materials Requirements USA PATRIOT Act of 2001

New Federal HazMat Requirements

The USA PATRIOT Act requires commercial truck drivers transporting hazardous materials to pass a background check. The Transportation Security Administration's Hazmat Threat Assessment Program involves a criminal history records check, an immigration check, and an intelligence-related check on any individual who wishes to apply for, renew, or transfer a Hazardous Materials Endorsement (HME) on his or her commercial driver's license (CDL).

Key Dates

The Transportation Security Administration (TSA) will require the collection of biographical information and fingerprints from new HME applicants beginning January 31, 2005, and May 31, 2005 from drivers who wish to renew or transfer their HME.

CDL Office Process

Before the CDL office can issue a HME, TSA must complete a security threat assessment (background records check) to determine if you pose a security threat. To apply for a HME, the CDL office will start a CDL application and require all current documentation and fees. If you need an instruction permit, one will be issued after you pass the appropriate knowledge tests. The permit will not include the HME. When all the application requirements have been met, you will be issued a photo license that will not include the HME. You may keep your CDL with HME if you are renewing or transferring your HME. After TSA completes the background check, one of two things will happen:

1. You will be notified by TSA that you are ***ineligible*** for a HME. If this happens, you may continue to use the license without HME already issued to you. If you are a current Hazmat driver, you must return to the CDL office to have your CDL reissued without the HME. If you wish to request a hearing, refer to the procedures listed below.

NOTE: CDL office is not involved with TSA hearings, appeals, and/or waivers.

OR

2. You will be notified by TSA that you are ***eligible*** for a HME. If this happens, you simply go to the CDL office to obtain a photo license with the HME.

TSA's Process

You start the TSA background records check after you apply for your CDL at the CDL office. You must submit fingerprints, your CDL license or permit and a secondary form of identification, a money order to cover the \$94 fee, and the TSA HME application to the TSA agent listed on the back of this pamphlet. The application must be completed prior to arriving at the fingerprint collection site. You may get the HME application, payment information, and a list of acceptable identification documents at www.hazprints.com. You may get assistance in completing the application by calling the toll free driver help desk at 877-429-7746. You may check on the status of an existing application by calling the toll free driver help desk.

Hearing Procedures

All security threat assessments and subsequent hearings, if any, will be conducted by the TSA. You must provide *documentation* in writing directly to TSA. You may request a waiver and/or an appeal in writing. Send your request via Federal Express to:

TSA Headquarters
Attn: HazMat Program Manager, TSA-19
HazMat Waiver/Appeal Process
601 South 12th Street
Arlington, VA 22202

For further information, you may send electronic inquiries to TSA at patriotact@dhs.gov.

To review the entire regulations, visit the Federal Motor Carrier Safety Administration website at www.fmcsa.dot.gov or the TSA website at www.tsa.gov. The TSA Contact Center for general questions is at 866-289-9673. The TSA Media Contact is at 571-227-2829.

Temporary Disqualifying Criminal Offenses

A driver will be disqualified from holding a HazMat endorsement if he or she was convicted or found not guilty by reason of insanity within the previous seven years, or was released from prison in the last five years, for any of the following crimes:

- Assault with intent to murder
- Kidnapping or hostage taking
- Rape or aggravated sexual abuse
- Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in firearms or other weapons
- Extortion
- Dishonesty, fraud, or misrepresentation, including identity fraud
- Bribery
- Smuggling
- Immigration violations
- Violations of the Racketeer Influenced and Corrupt Organizations Act, 18 United States Code (USC) 1961, et seq., or a comparable state law
- Robbery
- Distribution of, intent to distribute, or importation of, a controlled substance

- Arson
- Conspiracy or attempt to commit any of these crimes

NOTE: The disqualification period is seven years from the last conviction date for any of the above violations **or** five years from the prison release date.

Permanent Disqualifying Criminal Offenses:

A driver will be permanently disqualified from holding a HazMat endorsement if he or she was convicted or found not guilty by reason of insanity for any of the following crimes:

- Espionage
- Sedition
- Treason
- A crime listed in 18 USC. Chapter 113B—Terrorism, or a comparable state law
- A crime involving a transportation security incident
- Improper transportation of a hazardous material (49 USC 5124) or a comparable state law
- Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device
- Murder
- Conspiracy or attempt to commit any of these crimes
- Violations of the Racketeer Influenced and Corrupt Organizations Act, 18 USC 1961, et seq., or a comparable state law

Outstanding Wants or Warrants

A driver is also disqualified from holding a HME until the want or warrant is released, if he or she is wanted, or under indictment in any civilian or military jurisdiction, for a felony.

HazMat Requirements for Non-Citizens

If you are not a United States (U.S.) citizen, you may have a HazMat endorsement when all other requirements are met and you are one of the following:

- A lawful permanent resident of the U.S. as defined in section 101(a)(20) of the Immigration and Nationality Act

TSA Agent Collection Site

Examination Management Services Incorporated (EMSI)

1188 Bishop Street, Suite 3408
Hours of operation: Monday through Friday, 8:30 a.m. – 4:30 p.m. Will take appointments.

NOTE: The TSA HAZMAT website is www.hazprints.com and the toll free driver help desk is **877-429-7746**. Drivers on the neighbor islands must schedule an appointment with the CDL office.