



ATTENTION HAZMAT DRIVERS

On May 5, 2003, the Transportation Security Administration (TSA) and the U.S. Department of Transportation issued an interim final rule to secure the transport of hazardous materials, including explosives. The rule requires background checks on commercial drivers certified to transport hazardous materials (hazmat). The background check process includes the collection of an individual's fingerprints.

FINGERPRINT REQUIREMENT

- Truck drivers applying for, renewing, or transferring a hazmat endorsement on their commercial drivers license (CDL) may be asked to provide fingerprints for an FBI criminal background check on or before November 3, 2003.
- By November 3, the location for fingerprinting to take place in your State will be determined.
- If found disqualified, drivers are responsible for surrendering their hazmat endorsement.
- Drivers must renew their hazardous materials endorsement at least every five years – or sooner if your State requires it. Therefore if you renew, transfer, or apply for a hazmat endorsement on or after November 3, you will be asked to submit fingerprints.

BACKGROUND CHECKS

Beginning May 5, 2003, holders of hazmat endorsements are subject to a name-based FBI criminal history records check and a check of Federal databases. You will not be permitted to retain your hazmat endorsement if:

- You have been convicted (in any jurisdiction, military or civilian) or found not guilty by reason of insanity of certain felonies over the past seven years.
- You have been in prison within the last five years for any of these felonies.
- You are wanted or under indictment for any of these felonies.

- You have ever been found mentally incompetent or been committed involuntarily to a mental institution.

Beginning November 3, 2003, you will not be permitted to obtain, renew, or transfer a hazmat endorsement if you meet any of these criteria.

OTHER IMPORTANT INFORMATION

You will not lose your CDL

Only drivers applying for hazmat endorsements will be affected by this rule. If you are disqualified from holding a hazmat endorsement, you may continue to transport all non-hazardous cargo.

You can appeal

The rule provides an appeal process for cases in which the database information is incorrect, to ensure that no driver loses the hazmat endorsement due to inaccurate records. You may use the address listed below to submit an appeal.

You can seek a waiver

If you were convicted or found not guilty by reason of insanity of a disqualifying offense, were found to be mentally incompetent, or were committed involuntarily to a mental institution, you may apply for a waiver.

A. Your waiver request must include a letter from you that includes all of the following information:

- Full Name
- Home Address
- Phone number
- Date of birth
- Place of birth (city, state, country)
- Social Security Number or Alien Registration Number
- Drivers License Number and State of Issue
- Explanation of the circumstances of the disqualifying offense(s)

B. In addition to the letter required above, you must also submit at least one of the following:

- Any court documents showing the disposition of your case
- A letter of reference from your current supervisor on company letterhead



- Any awards, recognition or performance appraisals you have received in the past three years that demonstrate your competency or commitment to transportation safety and security
- Proof of restitution, if applicable
- Proof that you have completed all terms of your sentence (time served, probation, community service, etc), if applicable. This may include a letter from your probation officer, certificate of completion from a rehabilitation program, etc.
- Any other information you believe would aid TSA in making a determination in your case.

C. When determining whether to grant a waiver to individuals who were found to be mentally incompetent or were involuntarily committed to a mental institution, TSA will consider the following information:

- A letter or other documentation from a court of competent jurisdiction that you are judged to be mentally competent or are no longer subject to involuntary treatment.

Waiver and appeal requests may be sent only via Federal Express to the following address:

**TSA Headquarters
Hazmat Waiver/Appeal Process
Office of Security 5th floor
701 South 12th St
Arlington, VA 22202
Attn: Emily Chodkowski
Phone: 571-227-3200**

Individuals and operators with questions about the new rule should contact TSA at patriotact@dhs.gov.