

# FACT SHEET

## Commercial Driver's License Hazardous Materials Endorsement

### PURPOSE

The federal Transportation Security Administration (TSA) and the U.S. Department of Transportation have issued rules to secure the transport of hazardous materials, including explosives. The rules require security threat assessments (background checks) on commercial drivers certified to transport hazardous materials (hazmat). The security threat assessment process includes the collection of an individual's fingerprints, and verification of United States citizenship or permanent legal presence in the United States. Under current federal regulations, states are required to implement the fingerprinting and security threat assessment requirement for new commercial driver license (CDL) hazmat endorsement applicants and at every renewal of a CDL with a hazmat endorsement. CDL holders with an existing hazmat endorsement will be notified when a security threat assessment is required.

### APPLICATION PROCESS

**Step 1— Knowledge Tests and Proving Citizenship/Legal Status:** CDL holders wishing to add or retain the hazardous materials endorsement must first apply at any county driver's license office and take the hazardous materials knowledge test. Acceptable proof of United States citizenship or proof of permanent legal status in this country may also be required.

**Step 2— Hazardous Materials Endorsement Application Processing:** Applicants for the CDL hazmat endorsement will be directed to contact a TSA agent online or by telephone to complete the security threat assessment application form. The applicant's residence address, previous residence address, current employer(s) name and address, and alien registration number or naturalization date (if applicable) will be required on the form, which must be completed before proceeding to the fingerprinting location. Fingerprinting is performed by TSA agents, NOT by driver license offices. The security threat assessment fee can be paid online or over the phone at the time the application is completed.

- **TSA Agents and Forms.** Agents are located in 33 states and the District of Columbia. Security threat assessment application forms and fingerprint locations are available online at <https://hazprints.tsa.dhs.gov> or toll-free at (877) 429-7746 (877-HAZPRINT). Idaho area fingerprinting sites are located in Boise, Soda Springs, Lewiston, and Spokane, Washington.
- **Applicable Fees.** The fee for a security threat assessment is \$89.25. This fee is in addition to driver license fees. Fees may be paid by credit card, electronic check, or money order. Cash and personal checks will not be accepted by TSA agents.

**Step 3— Fingerprint Collection and Processing:** After the security threat application form has been completed, applicants can proceed to any TSA agent fingerprinting site nationwide. The site operator will verify the applicant's identity prior to fingerprinting. Fingerprints and application information will be forwarded to the TSA for the security threat assessment.

- **Photo Identification Required.** Applicants must provide a valid, verifiable Idaho driver's license at the time of fingerprinting. A second form of identification may be required by the TSA agent.

### ISSUANCE PROCESS

**Results Notification and Appeals Process:** The TSA will directly notify the applicant and the Idaho Transportation Department (ITD) of the results of the security threat assessment, and the department will update the applicant's record accordingly.

- If the TSA determines an applicant does not pose a security threat, TSA will issue a *Determination of No Security Threat* and notify the applicant that he is clear to be issued a hazmat endorsement.
- If the TSA determines an applicant poses a security threat, the TSA will notify the applicant directly with the initial determination and provide an appeal process.
- If an applicant does not appeal, the TSA will issue a *Final Determination of Threat Assessment* to the applicant. The *Final Determination of Threat Assessment* cannot be appealed. However, applicants may apply to the TSA for a waiver.
- Requests for waivers or appeals may be sent to the Transportation Security Administration Headquarters, Hazmat Waiver/Appeal Process, Office of Security, 5<sup>th</sup> floor, 701 South 12<sup>th</sup> St., Arlington, VA 22202.

### Issuance or Denial of Hazardous Materials Endorsements:

- If the TSA has issued a *Determination of No Security Threat* or has granted a waiver, the department will allow issuance, renewal, or transfer of the hazardous materials endorsement. The applicant should return to the county driver licensing office for issuance of the CDL with a hazardous materials endorsement.
- If the TSA has issued a *Final Determination of Threat Assessment* the department will deny issuance, renewal, or transfer of the hazardous materials endorsement .

### ELIGIBILITY

**Hazmat endorsement applicants are required to certify and/or disclose the following:**

- The applicant has not been convicted or found not guilty by reason of insanity of any of the interim disqualifying crimes in any jurisdiction, civilian or military, during the seven years before the date of application.
- The applicant has not been released from incarceration in any jurisdiction, civilian or military, for committing any interim disqualifying crime during the five years before the date of application.

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- The applicant has not been convicted or found not guilty by reason of insanity of any permanently disqualifying crime.
- The applicant is not wanted or under indictment in any jurisdiction, civilian or military, for a disqualifying crime.
- The applicant has not been adjudicated as a mental defective or committed to a mental institution involuntarily.
- The applicant is either a United States citizen who has not renounced United States citizenship, or a lawful permanent resident of the United States, or meets eligibility requirements for immigration status.
- Disclosure of the applicant's military service and date of discharge.

### DISQUALIFYING CRIMES

**Interim Disqualifying Criminal Offenses:** These crimes are only disqualifying if they are considered felonies in the appropriate jurisdiction, civilian or military. 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 last seven years or was released from prison within 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, or dealing in a firearm or other weapon
- Extortion
- Dishonesty, fraud, or misrepresentation, including identity fraud
- Bribery
- Smuggling
- Immigration violations
- Violations of RICO (Racketeer Influenced and Corrupt Organizations) Act or a comparable state law of an interim disqualifying crime
- Robbery
- Distributions of, possession with intent to distribute, or importation of a controlled substance (State laws vary on the quantity of marijuana required for the offense to be considered a felony. Typically, however, to be convicted of felony marijuana possession, a person must possess a quantity of marijuana greater than an amount considered for "personal use.")
- Arson
- Fraudulent entry into a seaport as described in 18 U.S.C. 1036, or a comparable State law
- Conspiracy or attempt to commit any of these crimes

**Permanently Disqualifying Criminal Offenses:** A driver will be permanently disqualified from holding a hazmat endorsement on a CDL if he was ever convicted\* or found not guilty by reason of insanity of any of the following crimes:

- Espionage
- Sedition
- Treason
- Any crime listed in 18 U.S.C. Chapter 113B – Terrorism or a comparable state law
- A crime involving a severe transportation security incident (i.e., security incident involving a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area)
- Improper transportation of a hazardous material under 49 U.S.C. 5124 or a comparable state law (minor infractions involving transportation of hazardous materials will not disqualify a driver. For instance, no driver will be disqualified for minor roadside infractions or placarding violations.)
- Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device
- Murder as defined in 18 U.S.C. 1111
- Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonating of an explosive or other lethal device in or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility
- Violations of RICO (Racketeer Influenced and Corrupt Organizations) Act or a comparable state law of one of these permanently disqualifying crimes
- Conspiracy or attempt to commit any of these crimes

**Under Want or Warrant:** A driver will be disqualified from holding a hazmat endorsement on a CDL if he or she is wanted or under indictment in any civilian or military jurisdiction for an interim disqualifying or permanently disqualifying felony listed above until the want or warrant is released.

\* "Convicted" means any plea of guilty or nolo contendere or any finding of guilt.