

Background Checks Now Required for HAZMAT Truck 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 was finalized on November 24, 2004 and requires background checks on commercial drivers certified to transport hazardous materials (hazmat). TSA has already conducted name-based security threat assessments (background checks) on all 2.7 million Hazmat drivers to determine whether any presented a potential terrorist threat. The final phase of implementation begins May 31, 2005 when drivers, who currently hold hazardous

materials endorsements (HME) and wish to renew or transfer the HME, must undergo the fingerprint-based background check.

Under the USA PATRIOT Act, a state cannot issue, renew or transfer an HME unless the driver successfully completes TSA's security threat assessment. TSA has selected a vendor to collect applicant fingerprints and information for states that have elected to use a TSA agent for this purpose. Seventeen states have elected to not use the TSA Agent and will complete these tasks using state resources. In either case, the drivers' fingerprints and biographical information will be forwarded to TSA for vetting. There will be an application fee.

If TSA disqualifies an HME applicant, the driver can appeal the finding or seek a waiver from TSA. Drivers must renew the HME at least every five years, although a state may require more frequent renewals. Under TSA rules, drivers are responsible for reporting disqualifying events.

Any driver who needs to renew or transfer a HME after May 31, 2005 must first successfully pass a background check. It is recommended that drivers begin the renewal process at least 60 days before the expiration date of their HME. Please note that due to the phase in of this program, drivers may provide fingerprints for an FBI criminal background check no earlier than March 31, 2005.