

## SAFETY UPDATE

### Commercial Driver's Licenses with a Hazardous Materials Endorsement

**Summary:** Effective Sept 20, 2004 The FMCSA issued the following final rule regarding limitations on State issuance of a commercial driver's license (CDL) with a hazardous materials endorsement (HME). States must not issue, renew, transfer or upgrade a CDL with a HME unless the Transportation Security Administration (TSA) has first conducted a background records check of the applicant and determined the applicant does not pose a security risk. States must comply with this rule by January 31, 2005.

**Discussion:** Since the last Safety Update (October 15, 2004) we have had some changes in the new rules for CDL with HME. The latest changes are as follows:

- USA Patriot Act regulations require that all persons, who have renewed or applied for a CDL-HME, must undergo a security threat assessment by the TSA.
- The TSA has set criteria to determine if a driver is ineligible to transport hazardous materials. Disqualifying criteria includes most felonies committed within the past 7 years. For a detailed list, go to the Far West Website [www.fwaa.org](http://www.fwaa.org).
- Ineligible drivers are required to immediately surrender their HME at any driver licensing office.
- On November 10, 2004 TSA Revised the Background records check rule. Beginning January 31, 2005 the Department of Licensing will not issue any new HME unless the driver has a TSA security clearance or waiver.
- Starting May 31, 2005 the Department of Licensing will not renew any HME unless the driver has a TSA security clearance or waiver.
- Drivers must have proof of U.S. Citizenship to apply or renew for CDL with HME
- More detailed information is available on each individual State DOL website. We have provided links to these sites at [www.fwaa.org/CDL/update.htm](http://www.fwaa.org/CDL/update.htm).

Specific State procedures and policies are still in the design phase, we will update you as the information becomes available. For more information or questions please contact Steve Harris, 509-464-4889.