

TSA extends deadline on rule requiring background checks on commercial drivers who haul hazardous materials

The Transportation Security Administration (TSA) has delayed the implementation of a rule regarding background checks for commercial drivers license (CDL) holders with the hazardous materials endorsement (HME).

The TSA's Interim Final Rule requires background checks on all commercial drivers who are certified to transport hazardous materials. The rule, originally issued on May 5, 2003 by the TSA and the U.S. Department of Transportation, is required under the USA PATRIOT Act of 2001.

The background checks include a review of criminal, immigration and FBI records. States will immediately revoke the HME of drivers identified as having disqualifying offenses or thought to pose a security threat.

The rule requires states to collect criminal history information and fingerprints for all HME holders and then submit that information to the TSA. The TSA believes that states are best situated to fingerprint HME holders, but that the TSA itself is in the best position to determine if an individual driver poses a security threat, based on its terrorist-related databases.

Originally, the TSA required all states to comply with the rule by November 3, 2003. However, the rule's implementation was delayed until April 1, 2004 because state governments and trucking organizations complained that the original schedule was

unreasonable due to procedural, administrative and technical challenges that would need to be overcome before deploying the system.

The amended rule now requires states to implement a fingerprint-based background check process in full compliance with the TSA and FBI fingerprint requirements by April 1, 2003 in order to continue to issue CDLs with the hazmat endorsement.

Currently, 3.5 million commercial drivers license holders have hazmat endorsements. The rule will apply to all drivers who renew, transfer, upgrade or apply for a new HME.

As part of the amendment, the TSA also committed to completing name-based background checks of federal and international databases relating to terrorist activity for all current HME holders prior to December 2004.

For more information, please contact your CTSI Loss Prevention Representative at 303.861.0507.