

TSA issues final rule on hazmat endorsement for CDL holders

The Transportation Security Administration (TSA), a division of the Department of Homeland Security, issued its interim final rule on the security threat assessment for individuals applying for a hazardous materials endorsement for a commercial driver's license (CDL).

The TSA is amending standards relating to security threat assessments of commercial truck drivers who are authorized to transport hazardous materials. TSA is adding definitions, and making organizational and substantive changes to the current standards codified at 49 Code of Federal Regulations (CFR) part 1572. The TSA is making these changes in response to comments received from the affected parties and to clarify further the implementation of this program.

This rule requires each state to declare whether it wishes to capture and submit fingerprints, applicant information, and fees itself, or alternatively chooses to have TSA complete those tasks. The rule no longer requires the states to forward all driver applications to TSA, but the states must retain the applications for one year. States that elect to collect fingerprints and driver information must submit the information and fingerprints electronically, with some initial assistance from TSA. The start date of the fingerprint-based checks for transfer and renewal applicants has been changed to May 31, 2005.

The TSA is changing the standards to permit certain aliens who are qualified to hold a commercial drivers license to apply for a security threat assessment.

The TSA is removing one felony offense, simple drug possession, from the list of disqualifying crimes, and adding unlawful purchase, receipt, transfer, shipping, transporting, import, export, and storage of a firearm or explosives to the list. The TSA is reclassifying the criminal offense of arson as an interim rather than permanent disqualifier, and reclassifying the offense of murder as a permanent rather than an interim disqualifier.

The TSA is increasing the response time limits for appeals and waivers. It is enhancing the appeal procedures for an individual who is determined to pose a security threat as a result of the intelligence-related check. The TSA now prohibits individuals convicted of the most serious crimes, such as treason, from applying for a waiver.

The TSA is changing the rule concerning transferring a hazardous materials endorsement from one state to another so that drivers do not have to undergo a new background check when obtaining a license in a new state, subject to some restrictions.

The TSA is reducing the amount of advance notice the states must provide to drivers who hold hazardous materials endorsements regarding the need for a security threat assessment upon renewal.

For a complete copy of the final interim rule, go to:
<http://www.regulations.gov/fredpdfs/04-26066.pdf>

For more information, contact CTSI at 303-861-0507.

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