

Federal Hazmat Requirements

As of January 31, 2005, an Ohio commercial driver applying for an original endorsement to transport hazardous materials is required by the Transportation Security Administration (TSA) to undergo a security threat assessment. No Commercial Driver License (CDL) with a new Hazardous Materials Endorsement (HME) may be issued unless the applicant has first undergone the security threat assessment and obtained clearance from TSA. This rule became effective for all renewals and state-to-state transfer applicants on May 31, 2005.

Transportation Security Administration agencies will submit necessary information, including fingerprints, to the TSA for a threat determination. Listed below are the Ohio locations that are currently available for drivers to utilize when completing the required security threat assessment to obtain or maintain a Hazardous Materials Endorsement.

An application must be completed prior to arriving at a TSA agency for fingerprint collection. To complete your application or obtain additional information about the process, please contact the TSA Call Center at 877-429-7746, or visit their Web site at <https://hazprints.tsa.dhs.gov>.

The following TSA fingerprint collection locations are now available in Ohio with additional sites planned in the near future. Please contact TSA's call center or Web site for the most current list of fingerprinting locations in Ohio and throughout the country.

1541 Bethel Rd., Suite 100 Columbus, OH 43220 8:00 am to 5:00 pm Monday - Friday	654 Portage Trail Cuyahoga Falls, OH 44221 8:00 am to 5:00 pm Monday - Friday
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800 Compton Rd., Suite 17 Cincinnati, OH 45231 8:00 am to 7:00 pm Monday - Friday	7749 Ponderosa Dr. Suite H Perrysburg, OH 43551 8:30 am to 5:00 pm Monday - Friday
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USA Patriot Act

The USA Patriot Act prohibits the Bureau of Motor Vehicles (BMV) from issuing a Hazardous Materials Endorsement until TSA has completed a security threat assessment and has determined a driver does not pose a security threat. If you would like to review the entire regulation, visit the Federal Motor Carrier Safety Administration Web site at www.fmcsa.dot.gov or visit the TSA Web site at www.tsa.dot.gov. Electronic inquiries may be submitted to TSA at patriotact@dhs.gov.

Security Threat Assessment

If TSA determines that an individual poses a security threat, the agency will notify the BMV and the driver. The BMV must then deny or revoke your HME. You may retain a CDL; however, you will be required to return to the nearest Deputy Registrar to have the Hazardous Materials Endorsement removed from your CDL.

Hearing, Appeal and Waiver Procedures

If you are denied a HME, because of the security threat assessment findings, you may request a hearing. All security threat assessments and subsequent hearings, appeals or waivers will be conducted by the TSA. The BMV will not be involved with any hearings, appeals and/or waivers. If a driver wishes to appeal the TSA decision to deny the Hazardous Materials Endorsement, they may submit their request in writing, along with any requested documentation, to:

Transportation Security Administration Headquarters
Hazmat Waiver/Appeal Process
601 South 12th Street
Arlington, VA 22202

Disqualifying Criminal Offenses

Certain crimes are disqualifying if they are considered felonies in the appropriate jurisdiction, civilian or military. An applicant is DISQUALIFIED from holding a TWIC (Transportation Worker Identification Credential) or an HME on a CDL if he or she was convicted* or found not guilty by reason of insanity within the previous seven years or was released from prison in the past five years for any of the following crimes:

- a) Assault with intent to murder
- b) Kidnapping or hostage taking
- c) Rape or aggravated sexual abuse
- d) Dishonesty, fraud or misrepresentation, including identify fraud
- e) Extortion
- f) Robbery
- g) Arson
- h) Bribery
- i) Smuggling
- j) Immigration violations
- k) Violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. 1961, et seq., or a state law that is comparable, other than the violations listed in paragraph (g) permanently disqualifying criminal offenses
- l) Distribution of, intent to distribute, or importation of a controlled substance
- m) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon
- n) Conspiracy or attempt to commit any of these crimes
- o) Fraudulent entry into a seaport as described in 18 U.S.C. 1036, or a comparable state law

An applicant will be permanently disqualified from holding a TWIC or an HME on a CDL if he or she was convicted* or found not guilty by reason of insanity for any of the following felonies:

- a) Murder
- b) A federal crime of terrorism as defined in 18 U.S.C. 2332b(g), or comparable State law
- c) Espionage
- d) Sedition
- e) Treason
- f) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device

- g) Violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. 1961, et seq., or a state law that is comparable, where one of the predicate acts found by a jury or admitted by the defendant, consists of one of the offenses listed in this section
- h) A crime involving a transportation security incident
- i) Improper transportation of a hazardous material under 49 U.S.C. 5124 or a state law that is comparable
- j) 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
- k) Conspiracy or attempt to commit any of these crimes

A driver will be disqualified from holding a TWIC or an HME on a CDL if he or she is wanted or under indictment in any civilian or military jurisdiction for a felony listed until the want or warrant is released.

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

Hazmat Requirements for Non-Citizens

Persons who are not citizens of the United States may obtain an HME when all security requirements are met and the applicant is one of the following:

- a) A lawful permanent resident of the U.S. as defined in section 101(a)(20) of the Immigration and Nationality Act
- b) A lawful non-immigrant in possession of valid, unrestricted employment authorization
- c) A refugee admitted under section 8 U.S.C. 1157 in possession of a valid, unrestricted employment authorization
- d) In asylum status under section 8 U.S.C. 1158 in possession of a valid, unrestricted employment authorization



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Ohio Department of Public Safety
Bureau of Motor Vehicles
1970 West Broad Street
Columbus, Ohio 43223
614-752-7600

BMV 5001 11/09

FEDERAL
HAZARDOUS MATERIALS
REQUIREMENTS