



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

DIVISION OF MOTOR VEHICLES

LYNDO TIPPETT  
SECRETARY

February 11, 2005

**TO: Applicant for a HAZMAT CDL Endorsement**

**SUBJECT: Notification of Security Threat Assessment and Legal Presence Requirements for CDL Holders with Hazardous Materials Endorsements**

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You are required to obtain a security threat assessment from the Transportation Security Administration (TSA) of the U.S. Department of Homeland Security prior to adding a hazardous materials (HAZMAT) endorsement to your commercial driver license.

TSA has contracted with Integrated Biometric Technology (IBT) to collect the application data, signature, fingerprints, and fees for the security threat assessment. The \$94 fee for this process will be collected by IBT. The fee may be paid by credit card or money order. Cash and checks will not be accepted. This fee is not refundable.

Please contact IBT at 1-877 -hazprint or [www.hazprints.com](http://www.hazprints.com) to complete the attached application and locate one of their offices for fingerprinting.

IBT's North Carolina fingerprint processing sites are located at:

- Examination Management Services, Inc (EMSI) at 230 East Independence Blvd., Charlotte, NC, Phone number 704-521-8023,
- 1031 Summit Avenue, Suite 1E-1, Greensboro, NC, phone number 336-274-4491,
- 4020 Wake Forest Road, Suite 214, Raleigh, NC, phone number 919-877-1288,
- 108 North Kerr Avenue, Suite A-3, Wilmington, NC phone number 910-791-8797 or 919-877-1288

You may contact TSA at 571-227-3200 with questions about the security threat assessment program. NCDMV will be notified only when TSA has completed the adjudication of a security threat assessment. You should receive a notice from the NCDMV when your security threat assessment is completed.

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**MAILING ADDRESS:**  
NC DIVISION OF MOTOR VEHICLES  
DRIVER LICENSE SECTION  
TRAINING, EVALUATION AND CDL  
3117 MAIL SERVICE CENTER  
RALEIGH NC 27699-3117

TELEPHONE: 919-715-7000  
WEBSITE: [WWW.DMV.DOT.STATE.NC.US](http://WWW.DMV.DOT.STATE.NC.US)

**LOCATION:**  
DMV HEADQUARTERS BUILDING  
1100 NEW BERN AVENUE  
RALEIGH NC

**BACKGROUND.** TSA and the u.s. Department of Transportation have issued rules to secure the transport of hazardous materials, including explosives. The rules require security threat assessments on commercial drivers certified to transport hazardous materials (hazmat). The security threat assessment process includes the collection of an individual's fingerprints, and verification of United States Citizenship, immigration eligibility or permanent legal presence in the United States. These requirements may not be waived by The North Carolina Division of Motor Vehicles. (NCDMV)

**STATE IMPLEMENTATION.** Under current federal regulations, states are required to implement the fingerprinting and security threat assessment requirement on January 31, 2005 for new applicants and no later than May 31, 2005 for renewal and state-to-state transfer applicants. After the implementation deadlines, no CDL with a hazmat endorsement may be issued unless the applicant has first undergone the security threat assessment, and obtained clearance from TSA. Security threat assessments are valid for no more than five years. This letter is intended to serve as notification of the new requirements.

**PROCESSING TIME.** Federal regulations require renewal applications to be filed no later than 30 days prior to license expiration to allow time for the security threat assessment to be completed. **File early.** It may take TSA 120 days to process your application. You may renew your CDL without a Hazmat endorsement if otherwise qualified and add the Hazmat endorsement when your security threat assessment has been completed. TSA will not complete a security threat assessment while a driver is disqualified from operating a commercial motor vehicle.

**SURRENDER REQUIREMENT.** Individuals who have a CDL with a hazmat endorsement who do not meet the qualification requirements described in this notification are required to **immediately** surrender the CDL (with hazmat endorsement) to a state driver licensing office. If otherwise qualified and all applicable fees are paid, the applicant may be re-issued a CDL without a hazmat endorsement. You have the right to request a waiver from TSA. Please contact TSA for additional information.

**CITIZENSHIP OR IMMIGRATION STATUS REQUIREMENTS.** An applicant for an HME must be one of the following:

- A citizen of the U.S. who has not renounced his/her U.S. citizenship
- A lawful permanent resident of the U.S. as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U .S.C. 1101)
- A lawful nonimmigrant in possession of valid, unrestricted employment authorization .A refugee admitted under section 8 U .S.C. 1157 in possession of valid unrestricted employment authorization
- In asylum status under section 8 U.S.C. 1158 in possession of valid, unrestricted employment authorization

Examples of acceptable citizenship or immigration status documents include:

- U.S. Passport.
- Certificate of birth that bears an official seal and was issued by a state, county, municipal authority or outlying possession of the United States.
- Certification of Birth Abroad issued by the U.S. Department of State (Form FS-545 or DS 1350).
- Certificate of Naturalization (Form N-550 or N-570).
- Certificate of U.S. Citizenship (Form N-560 or N-561).

- Permanent Resident Card, Alien Registration Receipt Card (Form 1-551).  
.Temporary 1-551 stamp on foreign passport.
- Temporary 1-551 stamp on Form 1-94, Arrival/Departure Record with photograph of the bearer.
- Reentry Permit (Form 1-327).

**CERTIFICATION AND/OR DISCLOSURE.** Certification and/or disclosure of the following is also required:

- The applicant has not been convicted or found not guilty by reason of insanity of any of the interim disqualifying crimes in any jurisdiction, civilian or military, during the seven years before the date of application.
- The applicant has not been released from incarceration in any jurisdiction, civilian or military, for committing any interim disqualifying crime during the 5 years before the date of application.
- The applicant has not been convicted or found not guilty by reason of insanity of any permanently disqualifying crime.
- The applicant is not wanted or under indictment in any jurisdiction, civilian or military, for a disqualifying crime.
- The applicant has not been adjudicated as lacking mental capacity or committed to a mental institution involuntarily.
- The applicant is either a United States citizen who has not renounced United States citizenship, or a lawful permanent resident of the United States, or meets eligibility requirements for immigration status.
- Disclosure of the applicant's military service and date of discharge and whether the discharge was dishonorable.

**APPLICATION.** A TSA application for a hazardous materials endorsement with a list of disqualifying crimes is attached. Additional information is available at the TSA web site at [www.tsa.gov](http://www.tsa.gov). Once at the site, use the search word "HAZMAT" or contact TSA at (866) 289-9673 or [patriotact@dhs.gov](mailto:patriotact@dhs.gov). If you need information on waivers and appeals contact TSA at [hazmatwaiver@dhs.gov](mailto:hazmatwaiver@dhs.gov).

## **HAZARDOUS MATERIALS ENDORSEMENT DISQUALIFYING CRIMES**

### **Permanently Disqualifying Criminal Offenses:**

An applicant has a permanent disqualifying offense if convicted or found not guilty by reason of insanity in a civilian or military jurisdiction of any of the following felonies:

1. Espionage
2. Sedition
3. Treason
4. A crime listed in 18 U.S.C Chapter 113B-Terrorism, or a State law that is comparable.
5. A crime involving a transportation security incident
6. Improper transportation of a hazardous material under 49 U.S.C. 5124 or a State law that is comparable
7. Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device.
8. Murder
9. 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 4 or 8 of this section.
10. Conspiracy or attempt to commit any of the crimes listed above.

### **Interim disqualifying criminal offenses:**

An applicant has an interim disqualifying offense if convicted or found not guilty by reason of insanity in a civilian or military jurisdiction, of any of the crimes below within the 7 years preceding the date of application; or if the applicant was released from incarceration for the crime within the 5 years preceding the application date:

1. Assault with intent to murder
2. Kidnapping or hostage taking
3. Rape or aggravated sexual abuse
4. Unlawful possession, use, sale, manufacture, purchase, distribution, receipt transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon
5. Extortion
6. Dishonesty, fraud, or misrepresentation, including identity fraud.
7. Bribery
8. Smuggling
9. Immigration violations
10. Violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. 1961, et seq., or a violation of a comparable state law.
11. Robbery
12. Distribution of, possession with intent to distribute, or importation of a controlled substance.
13. Arson
14. Conspiracy or attempt to commit the crimes in this section.

**Under Want or Warrant:** Applicants under want or indictment in any civilian or military jurisdiction for any permanent or interim disqualifying felony listed above are disqualified until the want or warrant is released.