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STATE OF NEW JERSEY

**ATTENTION  
FIRST TIME  
HAZARDOUS MATERIAL  
ENDORSEMENT APPLICANTS**

The New Jersey Motor Vehicle Commission is providing this notice to inform all Commercial Driver License (CDL) applicants of new Federal requirements that may affect your ability to obtain a CDL with Hazardous Material Endorsement (HME).

On May 5, 2003, the Federal Transportation Security Administration (TSA) published new regulations under The USA PATRIOT ACT that apply to state authorities issuing a CDL. The new requirements became effective on November 3, 2003 and apply to you if you are applying for a CDL with HME.

As of September 2, 2003, a person convicted of certain offenses is prohibited from holding a CDL with HME under the new Federal Threat Assessment Standards, which require that any driver who has been convicted or found not-guilty-by-reason-of-insanity (by a military or civilian court) in the past seven years of a disqualifying felony (listed below), or was released from prison in the past five years, or is wanted or under indictment for committing any disqualifying felony, or has been found mentally incompetent, will not be permitted to obtain, retain, transfer or renew the HME for their CDL.

**DISQUALIFYING FELONIES:**

- Violent acts (against others) including, rape, kidnapping, sexual assault, arson and robbery
- Identity theft, fraud and/or bribery
- Immigration violations, smuggling and/or violations of the RICO Act
- Distribution of, intent to distribute, or importation of a controlled dangerous substance
- Unlawful possession, use, sale, purchase, distribution, receipt, or transfer of a firearm
- Conspiracy to commit any of these crimes

Additionally, the new Federal Threat Assessment Standards require that a driver also be disqualified from holding an HME if he or she was ever convicted or found not-guilty-by-reason-of-insanity of any of the following crimes:

(OVER)

- Use of weapons of mass destruction
- Terrorism (including general acts of terrorism and/or giving financial assistance to a terrorist)
- Crimes involving a severe transportation security incident
- Unlawful use, possession, sale, distribution or manufacturing of an explosive device
- Improper transportation of hazardous materials
- Espionage, sedition, treason, or murder
- Conspiracy or attempt to commit any of these crimes

Currently, persons who have the above disqualifications **are not** prohibited from holding a basic CDL or applying for other endorsements. **If, however, you have any of the disqualifications as explained above, do not apply for a Hazardous Material Endorsement.**

In order for you to obtain an HME on your CDL, you must complete and sign the TSA application form, submit your fingerprints and pass the HME Knowledge Test (administered at an MVC Driver Testing Center). In New Jersey, TSA's vendor will collect fingerprints and background check fees. Please call the vendor (Integrated Biometric Technology) at 1-877-429-7746, or visit them at: [www.hazprints.com](http://www.hazprints.com) for fee and fingerprint collection information. While conducting business with the NJ Motor Vehicle Commission, you must also comply with the "6 Point ID Verification" program and provide proof of your Social Security Number.

If you are cleared to hold an HME, TSA will report the results to you and the MVC. Provided you have met and completed all other CDL requirements (i.e., applications, fees, permit, testing, medical), you will be issued a CDL with HME and all other endorsements you are qualified to hold. Commercial Driver Licenses are issued at any of the 45 Motor Vehicle Agencies.

Please note that applicants for the new School Bus Driver Endorsement must submit their fingerprints separately for state level review and qualification. If you have a question related to CDL licensing, please contact the MVC CDL Unit at 609-292-7500 ext. 5077.

If you receive an Initial Threat Determination and believe an error was made, you may appeal to TSA at the address noted below. The MVC cannot make determinations regarding qualification or disqualification for HME.

If you are uncertain about these requirements or have any general questions about the Patriot Act rule, please contact the TSA at: [patriotact@dhs.gov](mailto:patriotact@dhs.gov). Individuals with questions about the Waiver/Appeals process should contact the TSA at: [hazmatwaiver@dhs.gov](mailto:hazmatwaiver@dhs.gov). Waiver requests and appeals should be sent Federal Express only to the following address:

**TSA Headquarters  
Hazmat Waiver/Appeals Process  
Credentialing Program Office  
601 South 12<sup>th</sup> Street  
Arlington, VA 22202**

Federal requirements include penalties for drivers who have disqualifying offenses but knowingly apply for and hold an HME or intentionally provide inaccurate information. The penalties may include imprisonment for up to five years, a fine of up to \$250,000, or both.