



Federal and State laws require fingerprint-based background checks for anyone who wants a hazardous materials endorsement, to determine whether that person has a criminal history and/or poses a security threat that warrants denying him or her the authorization to transport hazardous materials.

No hazardous materials endorsement may be issued, transferred or renewed unless the background checks result in a determination by the Federal Transportation Security Administration (TSA) and New York State that the person applying for the endorsement is authorized to transport hazardous materials. To initiate the background checks, the rules require that the applicant be fingerprinted, and that his or her United States citizenship or permanent legal presence in the United States be verified.

Under federal law, the hazardous materials endorsement will be valid for 5 years. Therefore, anyone who wants to renew that endorsement must have a new background check every 5 years.

**If you want to apply for, or renew, a hazardous materials endorsement, you must meet the following requirements:**

1. You must be a U.S. citizen or a lawful permanent resident of the U.S. and present proof of citizenship or resident status at the time you apply for the hazardous materials endorsement, as required by federal regulations. Acceptable proof is limited to the following documents:
  - U.S. Passport (not expired)
  - Certified copy of a birth certificate filed with a State Office of Vital Statistics or equivalent agency in the applicant's state of birth, Puerto Rico, Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands
  - Consular Report of Birth Abroad issued by the U.S. Department of State (Form FS-545 or DS-1350)
  - Certificate of Naturalization issued by the U.S. Department of Homeland Security (Form N-550 or N-570)
  - Certificate of Citizenship issued by the U.S. Department of Homeland Security (Form N-560 or N-561)
  - Permanent Resident Card (not expired) issued by USCIS or INS (Form I-551)

**No other proofs will be accepted.**

2. You must meet the federal medical requirements in 49 CFR Part 391 and have a valid USDOT Medical Examiner's Certificate.
3. You must be fingerprinted so background checks can be conducted.

**FEDERAL DISQUALIFICATIONS**

Under federal law, TSA may disqualify you from being authorized to transport hazardous materials if:

- you have been convicted or found not guilty by reason of insanity of any of the crimes listed below in any jurisdiction (civilian or military) during the **seven years** before the date you applied for the endorsement; or
- you have been released from incarceration in any jurisdiction (civilian or military) for committing any disqualifying crime during the **five years** before the date you applied for the endorsement.

**Disqualifying Crimes:**

- A federal crime of terrorism as defined in 18 U.S.C. 2332b(g)
- Murder
- Assault with intent to murder
- Espionage\*
- Sedition\*
- Kidnapping or hostage taking
- Treason\*
- Rape or aggravated sexual abuse
- Unlawful possession, use, sale, distribution or manufacture of an explosive device, firearm, or other weapon\*
- Extortion
- Robbery
- Arson
- Distribution of, intent to distribute, possession, or importation of a controlled substance
- Dishonesty, fraud or misrepresentation, including identity fraud
- A crime involving a transportation security incident\*
- Improper transportation of a hazardous material\*
- Bribery
- Smuggling
- Immigration violations
- Violations of the Racketeer Influenced and Corrupt Organizations Act; 18 U.S.C. 1961, et seq
- Making any threat or conveying false information about an explosive or other lethal device
- Conspiracy or attempt to commit any of the crimes listed above

\*There is no time limit for this disqualifying crime.

If you have any questions about the federal disqualifications, contact TSA at (866) 289-9673 or via the Internet at <http://www.tsa.gov> (use search word "hazardous materials").

## **NEW YORK STATE DISQUALIFICATIONS**

Under New York State law, the New York State Department of Motor Vehicles will disqualify you from being authorized to transport hazardous materials if you were convicted of any of the crimes listed below within the **previous 10 years; this includes an attempt or conspiracy to commit any of the disqualifying offenses**. If you were incarcerated for any reason during that time, DMV will extend the 10-year period of review by the duration of the incarceration. You may not be qualified for a hazardous materials endorsement until 10 full years have passed from the date you were released from prison, during which you were not incarcerated for any reason.

You may also be disqualified for a conviction in another jurisdiction that is deemed to be equivalent to any of the disqualifying offenses listed below.

### **Felonies Under the Penal Law:**

- Section 120 - Assault and Related Offenses
- Section 125 - Homicide, Abortion and Related Offenses
- Section 130 - Sex Offenses
- Section 135 - Kidnapping, Coercion and Related Offenses
- Section 140 - Burglary and Related Offenses
- Section 145 - Criminal Mischief and Related Offenses
- Section 150 - Arson
- Section 155 - Larceny
- Section 160 - Robbery
- Section 170 - Forgery and Related Offenses
- Section 175 - Offenses Involving False Written Instruments
- Section 200 - Bribery Involving Public Servants and Related Offenses
- Section 210 - Perjury and Related Offenses
- Section 220 - Controlled Substances Offenses
- Section 221 - Offenses Involving Marijuana
- Section 240 - Offenses Against Public Order
- Section 265 - Firearms and Other Dangerous Weapons
- Section 460 - Enterprise Corruption
- Section 470 - Money Laundering
- Section 485 - Hate Crimes
- Section 490 - Terrorism

### **Section 53-e of the Railroad law - Unlawful Interference with a Train**

### **Federal Disqualifying Offenses:**

- 49 USC 46312 - Improper transportation of a hazardous material
- 49 USC 56507 - Conveying false information or threats
- 18 USC 793 - Gathering, transmitting or losing defense information
- 18 USC 794 - Gathering or delivering defense information to aid a foreign government
- 18 USC 2384 - Seditious conspiracy
- 18 USC 2385 - Advocating the overthrow of the government
- 18 USC 2381 - Treason
- 18 USC 371 - Conspiracy to commit an offense or to defraud the United States
- 18 USC 373 - Solicitation to commit a crime of violence

If you have questions about the New York State disqualifications, contact the NYS DMV Hazardous Materials Unit at (518) 408-2997 or by e-mail at [HazMatUnit@dmv.ny.gov](mailto:HazMatUnit@dmv.ny.gov).

