



Wisconsin Department of Transportation

www.dot.wisconsin.gov

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**THIS NOTICE IS FOR EMPLOYERS OF WISCONSIN CDL HOLDERS WITH A
HAZMAT (“H”) ENDORSEMENT - FOR INFORMATION ONLY
NO ACTION IS REQUIRED AT THIS TIME**

The Transportation Security Administration (TSA) passed a Federal Interim Final Rule that originally had a November 3, 2003 effective date. That date has been delayed, and a new date has not been announced. The following information will apply to employees that hold a CDL Hazmat (“H”) endorsement once a new date is determined. WisDOT wants you to know that these changes are coming. Once TSA provides a new implementation date to the states, WisDOT will alert you.

*** CHANGES THAT RELATE TO YOUR CDL DRIVERS THAT HOLD AN “H”
ENDORSEMENT ***

1. To keep the “H” endorsement, the USA Patriot Act requires a security background check by the TSA.
2. The background check includes having your employee provide a set of fingerprints to TSA.
3. CDL holders without an “H” endorsement are not affected by this new rule.
4. Certain criminal offenses will require CDL holders to surrender the “H” endorsement.
5. The definition of hazardous materials has been expanded to include, “transporting any quantity of a material listed as a select agent or toxin under 42 CFR part 73”. If you have questions, check the web site at: <http://www.myregs.com/dotrspa> or contact the Madison office of the Federal Motor Carrier Safety Administration (FMCSA) at 608-662-2010.

(See Reverse Side)

When a new date has been announced and the requirements become effective, your employees will not be able to obtain, renew, or transfer an “H” endorsement if they:

- are not a U.S. citizen or lawful permanent resident;
- have a disqualifying criminal offense or felony;
- are ruled mentally incompetent or involuntarily committed to a mental institution;
- pose a threat of terrorism or a threat to national or transportation security as determined by TSA

TSA will notify your employees if they are not eligible to hold an “H” endorsement. Those employees may request an appeal or waiver directly from TSA. A driver can request an appeal if the information used to disqualify the individual is incorrect. However, a waiver must be requested if the information used to disqualify the driver is correct, but the driver believes there were justifiable circumstances.

Waiver and appeal requests must be filed with TSA within 15 days of notification. TSA must respond to your employee’s appeal or waiver request within 30 days.

Once TSA determines new dates for the final rule, it will publish guidelines and procedures for states to follow. At that time, WisDOT will send an “H” endorsement renewal application and fingerprint procedure at least 180 days before a driver’s “H” endorsement expires. This will allow the driver time to submit fingerprints and receive a response from TSA before the driver’s “H” endorsement expires.

A first “H” endorsement could be valid for up to 5 years (depending upon the expiration date of the CDL holder’s existing license). All future “H” endorsements are valid for 4 years. A background check and fingerprinting will be required every time a hazmat driver renews an “H” endorsement.

WisDOT will work to keep you posted about important changes affecting the “H” endorsement by updating its Web site (<http://www.dot.wisconsin.gov/drivers/drivers/apply/types/commercial.htm>), and through updates with driver license renewal notices. If you need more information please visit our website or call us at (608) 266-2353.

If you employ CDL holders, who are licensed in Wisconsin, you can join the Employer Notification Program. The program will automatically notify you of driver convictions, suspension, cancellations, and other changes to the driver record. For more information about the program check the Web site <http://www.dot.wisconsin.gov/drivers/drivers/apply/types/empnote.htm> or call (608) 264-7049.