



Hazardous Materials Disqualifications

List of disqualifying crimes that pose a potential threat to the nation's transportation network
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All new, renewal or out-of-state transfer applicants for an "H" endorsement must submit biographical information and fingerprints so the Transportation Security Administration can complete a criminal history records check on the individual.

The following list of crimes, identified in [49 CFR 1572.103](#), disqualify you from an "H" endorsement. All of the crimes listed are disqualifying regardless of the jurisdiction; civilian or military.

(a) These crimes disqualify you for a lifetime:

- (1) Espionage or conspiracy to commit espionage.
- (2) Sedition, or conspiracy to commit sedition.
- (3) Treason, or conspiracy to commit treason.
- (4) A crime of terrorism as defined in 18 U.S.C. 2332b(g), or comparable State law, or conspiracy to commit such crime.
- (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) Making any threat, or maliciously conveying false information knowing it to be false, concerning the deliverance, placement, or detonation 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.
- (10) Violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. 1961, et seq., or a comparable State law, where one of the predicate acts found by a jury or admitted by the defendant, consists of one of the crimes listed in paragraph (a) of this section.
- (11) Attempt to commit the crimes in paragraphs (a)(1) through (a)(4).
- (12) Conspiracy or attempt to commit the crimes in paragraphs (a)(5) through (a)(10).

(b) These crimes disqualify you for 7 years if you were convicted, or found not guilty by reason of insanity, within 7 years of the date of your application or you were released from incarceration for any of these crimes within 5 years of the date of your application:

- (i) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon.
- (ii) Extortion.
- (iii) Dishonesty, fraud, or misrepresentation, including identity fraud.
- (iv) Bribery.
- (v) Smuggling.
- (vi) Immigration violations.
- (vii) Distribution of, possession with intent to distribute, or importation of a controlled substance.
- (viii) Arson.
- (ix) Kidnapping or hostage taking.
- (x) Rape or aggravated sexual abuse.
- (xi) Assault with intent to kill.
- (xii) Robbery.
- (xiii) Fraudulent entry into a seaport as described in 18 U.S.C. 1036, or a comparable State law.
- (xiv) Violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. 1961, et seq., or a comparable State law, other than the violations listed in paragraph (a)(10) of this section.
- (xv) Conspiracy or attempt to commit the crimes in (b).

Federal regulations under 49 CFR 1572.5(b) require you to notify the State of Wisconsin within 24 hours if you are convicted, or found not guilty by reason of insanity, of any disqualifying crime, or adjudicated as lacking mental capacity or involuntarily committed to a mental health facility, while you hold a hazardous materials endorsement. You may voluntarily surrender your "H" endorsement at anytime by visiting a Wisconsin DMV Service Center.

Privacy Act Notice: *Authority:* The authority for collecting this information is 49 U.S.C. 114, 40113, and 49 U.S.C. 5103a. *Purpose:* This information is needed to verify your identity and to conduct a security threat assessment to evaluate your suitability for a hazardous materials endorsement for a commercial drivers license. Your Social Security Number (SSN) or alien registration number will be used as your identification number in this process and to verify your identity. Furnishing this information, including your SSN or alien registration number, is voluntary; however, failure to provide it will prevent the completion of your security threat assessment, without which you may not be granted a hazardous materials endorsement. *Routine Uses:* Routine uses of this information include disclosure to the FBI to retrieve your criminal history record; to TSA contractors or other agents who are providing services relating to the security threat assessments; to appropriate governmental agencies for licensing, law enforcement, or security purposes, or in the interests of national security; and to foreign and international governmental authorities in accordance with law and international agreement.