**Section 1030.83 Hazardous Material Endorsement**

a) For the Department to issue an HME, all applicants must successfully comply with the following:

1) Hold a valid and properly classified driver's license with a CDL issued by the Department;

2) Pass a TSA security threat assessment or hold a valid Transportation Worker Identification Credential (TWIC; i.e., an identification card issued by TSA to maritime workers with access to maritime facilities and vessels);

3) Pass a written test administered by the Department on the transporting of hazardous materials; and

4) Affirm under penalty of perjury that the applicant has not made a false statement or knowingly concealed a material fact in any application for the HME.

5) Successfully complete entry-level driver training with hazardous materials endorsement curriculum.

b) TSA Security Threat Procedures

1) The applicant shall pay all related application and fingerprinting fees established by 49 CFR 1572 (October 1, 2019) and submit the fingerprints to the authorized TSA vendor who will transmit fingerprint data to the Federal Bureau of Investigation for a fingerprint-based criminal history background record check.

2) Upon receipt of an Initial or Final Determination of Threat Assessment from TSA on an applicant that does not currently hold an HME on the applicant's CDL, the Department shall place an indication on the driving record of the applicant indicating the applicant is not eligible for an HME. Correspondence notifying the applicant of the failed threat assessment shall be sent by TSA directly to the applicant, along with information regarding the applicant's right to due process.

3) Upon receipt of Determination of No Security Threat from TSA on an applicant that currently holds a CDL with an HME, the Department shall place an indication on the driving record and notify the applicant in writing of the Determination of No Security Threat from TSA and direct the applicant to return to a driver services facility to complete the requirements to renew or transfer from another state the CDL with an HME.

4) Upon receipt of an Initial or Final Determination of Threat Assessment from TSA on an applicant that currently holds a CDL with an HME, the Department shall place a tag on the driving record and send written notice to the applicant explaining that the applicant has failed the Threat Assessment and, therefore, must appear at a driver services facility to have the HME removed from the CDL. The applicant will be given at least five days, but no more than 15 days, from the date of the notice to appear at a driver services facility and have the HME removed from the CDL. A corrected CDL will then be issued without the HME at no charge to the driver.

c) TWIC Procedures

1) The applicant shall email the applicant's TWIC card to the Department’s CDL/PDPS Help Desk at CDLPDPSHelpDesk@ilsos.gov.

2) The Department shall validate the TWIC against the TWIC Cancelled Card List.

3) If the TWIC does not appear on the TWIC Cancellation Card List, the Department shall load a notation to the driving record that indicates the applicant may be issued an HME. The applicant must appear at a Driver Services facility to have the HME added to their CDL or to renew their HME.

4) The Department shall submit a spreadsheet to TSA containing the names of all persons issued an HME indicating the applicant presented a TWIC.

5) Upon notification from TSA that a TWIC was invalid, the Department shall place a tag on the driving record and send written notification to the applicant explaining that the TWIC was invalid and, therefore, the applicant must appear at a driver services facility to have the HME removed from the applicant's CDL. The applicant will be given at least five days, but no more than 15 days, from the date of the notice to appear at a driver services facility and have the HME removed from the CDL. A corrected CDL will then be issued with no charge to the driver.

d) Refusal or neglect of an applicant to have the HME removed and obtain a corrected CDL, pursuant to subsection (b) or (c), shall result in the cancellation of the driver's CDL privileges pursuant to IVC Sections 6-201(a)(11) and 6-207. An applicant whose CDL privileges were canceled may request an administrative hearing to contest the cancellation. The scope of the hearing shall be limited to the reason for the cancellation and shall not address the Threat Assessment conducted by TSA or the determination by TSA that the TWIC was invalid.

e) If, after a driver's CDL privileges have been canceled pursuant to subsection (d) for failing to have the HME removed from the license, the Department receives a Determination of No Security Threat from TSA on the driver, or notification that the TWIC was valid, an order rescinding the cancellation shall be entered and the driver's CDL privileges and the HME will be valid.

f) An applicant who obtains a corrected CDL shall be deemed to be in compliance with the Department's request and shall be allowed to retain CDL driving privileges.

g) If the Department receives a Determination of No Security Threat after a driver has previously been deemed a security threat by TSA and has had the HME removed from the CDL in compliance with subsection (b) or (c), the Department shall send written notice to the driver that the driver is now eligible to have the HME added back to the CDL. The written notice shall advise the driver to visit a driver services facility to have a corrected CDL issued reflecting the HME at no cost.

h) Security Check at Expiration of HME

1) The Department shall notify a holder of an HME, at least 90 days before the expiration date of the HME:

A) that:

i) the applicant must initiate a security threat assessment from TSA as soon as possible, but no later than 60 days before the expiration of the applicant's HME; and

ii) the applicant's HME cannot be renewed if TSA has not issued to the Department a Determination of No Security Threat; or

B) that the Applicant must submit a renewed TWIC.

2) The Department must require that an HME be renewed no more than five years after issuance.

(Source: Amended at 46 Ill. Reg. 7823, effective April 27, 2022)