

TABLE 1 TO § 383.71—LIST OF ACCEPTABLE PROOFS OF CITIZENSHIP OR IMMIGRATION

Status	Proof of status
U.S. Citizen .....	<ul style="list-style-type: none"> <li>• U.S. Passport</li> <li>• Certificate of birth that bears an official seal and was issued by a State, county, municipal authority, or outlying possession of the United States</li> <li>• Certification of Birth Abroad issued by the U.S. Department of State (Form FS-545 or DS-1350)</li> <li>• Certificate of Naturalization (Form N-550 or N-570)</li> <li>• Certificate of U.S. Citizenship (Form N-560 or N-561)</li> </ul>
Lawful Permanent Resident.	<ul style="list-style-type: none"> <li>• Permanent Resident Card, Alien Registration Receipt Card (Form I-551)</li> <li>• Temporary I-551 stamp in foreign passport</li> <li>• Temporary I-551 stamp on Form I-94, Arrival/Departure Record, with photograph of the bearer</li> <li>• Reentry Permit (Form I-327)</li> </ul>

(b) \* \* \*

(3) If the applicant wishes to retain a hazardous materials endorsement, he/she must comply with the requirements for such endorsement specified in § 383.71(a)(9) and State requirements as specified in § 383.73(b)(4);

\* \* \* \* \*

(c) \* \* \*

(3) If a person wishes to retain a hazardous materials endorsement, he/she must comply with the requirements specified in § 383.71(a)(9) and pass the test specified in § 383.121 for such endorsement.

\* \* \* \* \*

(d) *License upgrades.* When applying to operate a commercial motor vehicle in a different group or endorsement from the group or endorsement in which the applicant already has a CDL, all persons shall:

(1) Provide the necessary certifications as specified in § 383.71(a)(1) and (a)(4);

(2) Pass all tests specified in § 383.71(a)(2) and (a)(3) for the new vehicle group and/or different endorsements; and

(3) To obtain a hazardous materials endorsement, comply with the requirements for such endorsement specified in § 383.71(a)(9).

\* \* \* \* \*

■ 5. Amend § 383.73 to add new paragraphs (a)(5), and revise paragraphs (b)(4) introductory text, (c)(4), and (d)(1) to read as follows:

**§ 383.73 State procedures.**

(a) \* \* \*

(5) For persons applying for a hazardous materials endorsement, require compliance with the standards for such endorsement specified in § 383.71(a)(9).

(b) \* \* \*

(4) If such applicant wishes to retain a hazardous materials endorsement, require compliance with standards for such endorsement specified in § 383.71(a)(9) and ensure that the driver has, within the 2 years preceding the transfer, either:

\* \* \* \* \*

(c) \* \* \*

(4) If such applicant wishes to retain a hazardous materials endorsement, require the driver to pass the test specified in § 383.121 and comply with the standards specified in § 383.71(a)(9) for such endorsement.

(d) \* \* \*

(1) Require such driver applicant to provide certifications, pass tests, and meet applicable hazardous materials standards specified in § 383.71(d); and

\* \* \* \* \*

■ 6. Amend § 383.93 to revise paragraph (b)(4) to read as follows:

**§ 383.93 Endorsements.**

\* \* \* \* \*

(b) \* \* \*

(4) Used to transport hazardous materials as defined in § 383.5, or

\* \* \* \* \*

■ 7. Add a new Subpart I to this part to read as follows:

**Subpart I—Requirement for Transportation Security Administration approval of hazardous materials endorsement issuances**

**§ 383.141 General.**

(a) *Applicability date.* Beginning on November 3, 2003, this section applies to State agencies responsible for issuing hazardous materials endorsements for a CDL, and applicants for such endorsements.

(b) *Prohibition.* A State may not issue, renew, upgrade, or transfer a hazardous materials endorsement for a CDL to any individual authorizing that individual to operate a commercial motor vehicle transporting a hazardous material in commerce unless the Transportation Security Administration has determined that the individual does not pose a security risk warranting denial of the endorsement.

(c) *Individual notification.* At least 180 days prior to the expiration date of the CDL or hazardous materials endorsement, a State must notify the holder of a hazardous materials endorsement that the individual must pass a Transportation Security Administration security screening process as part of any application for renewal of the hazardous materials endorsement. Before November 3, 2003, a State must give the holder of a hazardous materials endorsement as much advance notice as practicable. The notice must advise a driver that, in order to expedite the security screening process, he or she should file a renewal application as soon as possible, but not later than 90 days before the date of expiration of the endorsement. An individual who does not successfully complete the Transportation Security Administration security screening process referenced in paragraph (b) of this section may not be issued a hazardous materials endorsement.

(d) *Hazardous materials endorsement renewal cycle.* Each State must require that hazardous materials endorsements be renewed every 5 years or less so that individuals are subject to a Transportation Security Administration security screening requirement referenced in paragraph (b) of this section at least every 5 years.

**PART 384—STATE COMPLIANCE WITH COMMERCIAL DRIVER'S LICENSE PROGRAM [AMENDED]**

■ 8. The authority citation for part 384 continues to read as follows:

**Authority:** 49 U.S.C. 31136, 31301 *et seq.*, 31502; Sec. 103 of Pub. L. 106–159, 113 Stat. 1753; and 49 CFR 1.73.

■ 9. Add new § 384.233 to read as follows:

**§ 384.233 Background records checks.**

(a) The State shall comply with Transportation Security Administration requirements concerning background records checks for drivers seeking to obtain, renew, transfer or upgrade a hazardous materials endorsement in 49 CFR Part 1572, to the extent those provisions impose requirements on the State.

(b) The State shall comply with each requirement of 49 CFR 383.141.

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**Warren E. Hoemann,**

*Acting Deputy Administrator.*

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