

Haz-Mat Survey, Final Results, February 20, 2002

FR: Eric Johnson, Policy Research Analyst, Law & Policy Division

RE: Background Check Fees for Haz-Mat Drivers

SEARCH has been asked to obtain the following information on fees for background checks conducted in accordance with USA PATRIOT Act provisions covering those who operate vehicles transporting hazardous materials.

1(a). Are you currently able to collect a fee for conducting a background check of a haz-mat driver by first using your state's criminal history records and then forwarding the request to the FBI?

Yes _____ No _____

1(b). If no, what type of authorization do you need before you can conduct a background check like that described above?

2(a). Are you currently able to collect a fee for serving as a conduit to forward a background check request directly to the FBI?

Yes _____ No _____

2(b). If no, what type of authorization do you need before you can conduct a background check like that described above?

3. If the creation or amendment of a statute or other action by you state legislature is required, how soon do you think that could be accomplished?

If possible, can you please take a moment to respond to this survey immediately, as the information is needed right away. Please indicate your responses on this sheet and return it to me by fax at 916-392-8440. Results will be made available to respondents when the survey is completed. As always, thank you for your assistance.

Number	State	1a	1b	2a	2b	3
1	Alabama	Yes	N/A	No	State statute or agreement with FBI	No estimate
2	Alaska	Yes	N/A	Yes	N/A	N/A
3	Arizona	No	Statute needed	No	Statute needed	Late summer 2003
4	Arkansas	No	Statutory authority	No	Statutory authority	Jan-March 2003
5	California	No	Need statutory authority	Yes	N/A	One year
6	Colorado	Yes (open records state)	N/A	No	Need statutory authority to collect/expend fee	Most likely not until 4/03
7	Connecticut	No	Statutory requirement	Yes	N/A	
8	Delaware	Unsure how to respond				
9	District of Columbia	Can conduct local check by not national	NCIC compliance plus enabling statute	No	Need enabling statute	No estimate
10	Florida	Yes (open record state)	N/A	Yes	N/A	N/A
11	Georgia	Yes	N/A	Yes	N/A	N/A
12	Hawaii	Yes	N/A	No	Fee structure amendment	Next legislative session begins 1/03
13	Idaho	Yes (if request comes from government agency)	N/A	Yes	N/A	N/A
14	Illinois	No	Need enabling legislation	Yes	N/A	6 mos. to a year
15	Iowa	Yes	N/A	Yes	N/A	N/A
16	Kansas	Yes	N/A	Yes	N/A	N/A
17	Kentucky	No	Signed release form	No	Signed release form	Two bills pending
18	Maryland	No	State statute	No	State statute	HB 1191 pending; effective 10/1/02 if enacted
19	Massachusetts	Yes	N/A	Yes	N/A	N/A

Number	State	1a	1b	2a	2b	3
20	Michigan	No	Enabling legislation	No	Modification to allow bypass of state records	At least a year
21	Minnesota	Yes	N/A	No	Need enabling statute	2002 legislative session
22	Missouri	Yes	N/A	Yes	N/A	May still need statute to formalize checks
23	Montana	Technically yes but needs \$\$ to cover costs	N/A	Yes (under 92-544)	N/A	Next mtg of Legislature 1/03
24	Nebraska	Yes	N/A	Yes	N/A	N/A
25	Nevada	Yes	N/A	Yes	N/A	N/A
26	New Hampshire	No	Legislative authority	No	Legislative authority	18 months, best case scenario
27	New Jersey	No	Need state statute	No	Need state statute	Bill introduced last session; nothing in this term
28	New Mexico	Yes	N/A	Yes	N/A	N/A
29	New York	No	State statute	Yes	N/A	Not certain
30	North Dakota	State only	Statute necessary to permit FBI check	No	Statute needed	Approx 8/93
31	Ohio	No	Need enabling statute			
32	Oklahoma	Yes (state only, not FBI)	State statute approved by FBI	Yes (with FBI approved state statute)	See 2a	2003 state legislative session
33	Oregon	Yes	N/A	Yes	N/A	N/A
34	Pennsylvania	No	Need enabling legislation	No	Need enabling legislation	6 to 12 months
35	Rhode Island	No	Enabling legislation	Yes	N/A	Three months
36	South Dakota	No	Needs enabling legislation	Yes	N/A	Next session 1/03
37	Tennessee	No	Enabling state legislation	Yes	N/A	Bill submitted this session, which ends 6/03
38	Texas	Yes	N/A	Yes	N/A	N/A

Number	State	1a	1b	2a	2b	3
39	Utah	Yes	N/A	Yes	N/A	N/A
40	Vermont	No	Can conduct chk but not chg fee	No	See 1b	No statutory chg before 7/03
41	Virginia	No	Need state statute	Yes	N/A	7/03
42	Washington	Yes	N/A	Yes	N/A	N/A
43	West Virginia	No	Enabling state statute	Yes	N/A	Dept of Transportation would need to propose bill
44	Wisconsin	Yes	FBI must agree to accept request	Yes	FBI must agree to accept request	Unlikely this session; leg reconvenes 1/03