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Criminal Background and National Sex Offender Registry Policy Request

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Open

Policy and Regulatory Affairs Committee

NAME

Steve Wilhelms

AGENCY

NextRisk, LLC - Associates

ADDRESS

3400 N Central Expy
Suite 110-217
Richardson, Texas 75080
United States

PHONE

4693383301

EMAILsteve@next-risk.com**SUMMARY OF ISSUE**

FMCSA regulations require motor carriers to conduct thorough background checks on commercial drivers, including a 3-year employment history verification, safety performance history (accidents/violations), motor vehicle records (MVRs) from all states held, and mandatory drug/alcohol Clearinghouse queries. These checks, mandated by 49 CFR Part 391, ensure driver qualifications and safety.

Many companies perform background checks beyond those listed in Part 391. Criminal background checks and queries of the National Sex Offender Registry, administered by the Department of Justice, are not required by Part 391.

JUSTIFICATION OR NEED

E-commerce has dramatically increased the need for package and final-mile delivery services using commercial motor vehicles (10,001 GVRW or greater). This means more commercial motor vehicle drivers are delivering to non-commercial properties such as houses and/or apartments.

With the increase in criminal activity and criminal enterprises specifically targeting commercial transportation, the general public is at greater risk. The additional requirements of criminal history checks and the National Sex Offender Registry can help reduce the number of commercial drivers hired by package and final-mile delivery services, reducing the risks associated with convicted criminals.

In addition to public safety at non-commercial delivery sites, the criminal history check could be beneficial in reducing cargo theft.

Sex Offender Registry Website

The Dru Sjodin National Sex Offender Public Website—administered by the Department of Justice—enables everyone to search the latest information on the identities and locations of registered sex offenders from all 50 states, the District of Columbia, the principal U.S. territories, and more than 150 Indian tribes.

nsopw.gov is a one-stop shop for sex offender information across state, tribal, and territorial jurisdictions, pulling data from each jurisdiction's registry website into a single search. The U.S. Department of Justice's Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) manages nsopw.gov and administers the standards for the Sex Offender Registration and Notification Act

REQUEST FOR ACTION

The request for action is that CVSA develop and issue a policy statement to FMCSA and other entities, as deemed necessary, supporting the requirements of the Criminal Background Check and National Sex Offender Registry check on all commercial motor vehicle operators subject to 49 CFR Part 391.

SUPPORTING DOCUMENTS/PHOTOS

- [FedEx-Ground-Driver-Murders-7-Year-Old-Girl.docx](#)