

On March 18, 2020, the Federal Motor Carrier Safety Administration published the Expanded Emergency Declaration under 49 CFR § 390.23. Most significantly, this exemption provides relief from hours of service regulations, including the recordkeeping requirements. This exemption remains in effect until April 12, 2020.

The exemption applies only to those commercial vehicle operations that provide direct assistance and emergency relief efforts during the COVID-19 outbreak, including:¹

1. Medical supplies and equipment for the testing, diagnosis and treatment of COVID-19;
2. Supplies and equipment necessary for community safety, sanitation and prevention of community transmission of COVID-19;
3. Food, paper products and other groceries for the emergency restocking of distribution centers or stores; (masks, gloves, hand sanitizers)
4. Immediate precursor raw materials that are required and to be used for the manufacture of the items in categories 1, 2, or 3; (paper, plastic, alcohol)
5. Fuel;
6. Equipment, supplied and persons necessary to establish and manage temporary housing, quarantines and isolation facilities related to COVID-19;
7. Persons designated by Federal, State or local authorities for medical, isolation or quarantine purposes; and
8. Persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 response.

The exemption immediately terminates when the CMV is used in interstate commerce to provide services not related to the COVID-10 outbreak, except that a driver may return empty to their terminal under the exemption. Once the driver makes it back to the terminal, he/she must receive a minimum of 10 hours off duty (property) or 8 hours (passengers). If the driver informs the motor carrier that he/she needs immediate rest before returning to the terminal or normal reporting location, the driver must be granted 10 hours consecutive off-duty time.²

FMCSA granted more relief by notice on March 24, 2020. Until June 30, 2020, enforcement action will not be taken against:

1. Drivers with an expired CDL that was valid on February 20, 2020 and expired on or after March 1, 2020; and
2. Drivers without a valid medical card, provided the driver can produce evidence that he/she had a valid medical card on February 29, 2020 that expired on or after March 1, 2020.

This is an unprecedented time, and the transportation industry's dedication to meeting the American public's needs cannot be undervalued. We remain fully committed to our transportation industry clients as they serve on the front lines of the COVID-19 crisis.

¹Loads must have more than minimal amounts of qualifying items listed in categories 1 through 8 to be granted the exemption.

²The exemption does not apply to (1) controlled substance and alcohol testing; (2) commercial driver's license requirements; (3) insurance requirements; (4) applicable size and weight requirements; and (5) drivers currently under and out-of-service order.