

FMCSA Extends Limited Regulatory Relief Waiver

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Categories:

Coronavirus Response Team
Publications

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The Federal Motor Carrier Safety Administration (FMCSA) has extended the emergency declaration originally issued on March 13, 2020, regarding certain federal safety regulations, including Hours of Service (HOS) Regulations.

This extension is now in effect through May 15, 2020. The declaration provides relief from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSR) for commercial motor vehicle (CMV) operations that are providing direct assistance in support of relief efforts related to the COVID-19 outbreaks, including:

- Medical supplies and equipment related to the testing, diagnosis, and treatment of COVID-19;
- Supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants;
- Food and other grocery items for emergency restocking of stores;
- Raw materials required for use in manufacturing of items in the categories listed above;
- Fuel;
- Liquefied gases to be used in refrigeration or cooling systems;
- Equipment, supplies, and persons necessary to establish and manage temporary housing, quarantine and isolation facilities related to COVID-19;
- Persons designated by federal, state or local authorities for medical, isolation or quarantine purposes; and
- Persons necessary to provide other medical or emergency services affected by the COVID-19 response.

There are restrictions and limitations to this waiver that must be observed. Routine commercial deliveries and mixed loads that are

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not providing direct assistance for COVID-19 relief efforts do not qualify for this exemption. Motor carriers must still comply with state laws and regulations, such as speed limits and traffic regulations. Fatigued or ill drivers shall not be allowed to operate a CMV and shall be immediately allowed ten consecutive hours of rest after notice of the condition is provided by the driver to the motor carrier.

Additionally, all crash reporting requirements remain in full effect, as do the requirements for controlled substance and alcohol testing, commercial driver's licenses, insurance, hazardous materials, size and weight, and any other portion of the regulations not specifically exempted under 49 CFR § 390.23.

For more information, please contact Michael Case, Eric Baker, or any attorney in Frost Brown Todd's Mobility & Transportation Industry Team.

To provide guidance and support to clients as this global public-health crisis unfolds, Frost Brown Todd has created a Coronavirus Response Team, including a special team focusing on business funding options under the CARES Act. Our attorneys are on hand to answer your questions and provide guidance on how to proactively prepare for and manage any coronavirus-related threats to your business operations and workforce.

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