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FMCSA Extends and Amends National Emergency Declaration

The Federal Motor Carrier Safety Administration (FMCSA) has extended and amended the [Emergency Declaration](#) originally set to expire on November 30, 2021. The December 1, 2021 extension of the declaration and modifications thereto are in effect through February 28, 2022.

The declaration provides relief to Part 395.3 “Maximum Driving Time for Property-Carrying Vehicles” 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 COVID-19 outbreaks, including the transportation of:

- Medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19;
- Transportation of vaccines, constituent products, medical supplies and equipment related to the prevention 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;
- Livestock and livestock feed;
- Food, paper products and other groceries for emergency restocking of distribution centers or stores.
- Gasoline, diesel, jet fuel, and ethyl alcohol; and
- Supplies to assist individuals impacted by the consequences of the COVID-19 pandemic.

There are restrictions and limitations to this waiver that must be observed. Notably, routine commercial deliveries and mixed loads that are not providing direct assistance for COVID-19 relief efforts do not qualify for this relief. Motor carriers must still comply with state laws and regulations, such as speed limits, traffic regulations, and size and weight requirements. Fatigued or ill drivers shall not be

allowed to operate a CMV and shall be immediately allowed 10 consecutive hours of rest after notice of the condition is provided by a 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 [Eric Baker](#), [Michael Case](#), [Stacey Katz](#), [Tyler Biddle](#), or [Jeff Hunt](#), or any attorney on Frost Brown Todd's [Mobility & Transportation](#) industry team.

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