

SPECIAL BULLETIN 2021 - 15

June 1, 2021

FMCSA Extends Emergency Declaration for COVID-19 Relief; Includes Packagings Used for Necessary Materials

The Federal Motor Carrier Safety Administration (FMCSA) has extended its [Emergency Declaration](#) granting regulatory relief to motor carriers and drivers providing "direct assistance" in support of relief efforts related to the COVID-19 public health emergency. The extension is through August 31, 2021.

The relief granted is from the driver hours-of-service regulations and all of 49 CFR Parts 390-399, with certain limitations. "Direct assistance" means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services (such as medical care) or the provision of essential supplies related to COVID-19 during the emergency.

The Emergency Declaration provides regulatory relief for commercial motor vehicle operations providing direct assistance, including the delivery of packagings used to supply materials which are needed to support emergency relief efforts related to COVID-19, such as are shown below. Note particularly item (4) and (5).

- (1) livestock and livestock feed;
- (2) medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19;
- (3) vaccines, constituent products, and medical supplies and equipment including ancillary supplies/kits for the administration of vaccines, related to the prevention of COVID-19;
- (4) 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; and
- (5) food, paper products and other groceries for emergency restocking of distribution centers or stores.

Direct assistance does not include non-emergency transportation of qualifying commodities or routine commercial deliveries. To be eligible for the exemption, the transportation must be both (i) of qualifying commodities and (ii) incident to the immediate restoration of those essential supplies.

In addition, the FMCSA has issued a [notice](#) permitting, but not requiring, State Driver Licensing Agencies to extend the validity of Commercial Driver Licenses and Commercial Learners Permits

that were scheduled to expire on or after March 1, 2020. States may extend the validity of CDLs and CLPs through August 31, 2021.

The extension does not apply if a driver's privileges are suspended or withdrawn for traffic offenses. Drivers must also have a valid Medical Certificate in order to use the CDL/CLP waiver, and carriers must notify FMCSA within 5 business days of any accident involving a driver using this waiver.

There is no authority to extend the validity of Hazmat Endorsements, however, after December 31, 2020.

Finally, the FMCSA [notice](#) automatically extended the validity of driver Medical Certificates or medical variances that expired on or after March 1, 2021; the extension is through August 31, 2021. To be included in the extension, the certificate or variance must have been issued for at least 90 days.