



Summary of FMCSA COVID-19 Emergency Declaration and Waivers Updated: August 31, 2021

BACKGROUND: In response to the COVID-19 pandemic, the Federal Motor Carrier Safety Administration (FMCSA) has provided regulatory relief for drivers and motor carriers whose operations are in direct support of relief and recovery efforts. Following the March 13, 2020 declaration of a national emergency, FMCSA issued Emergency Declaration No. 2020-002 and has continued to account for the changing needs for emergency relief, extending exemptions and waivers as necessary. Due to the rise of the delta variant, FMCSA finds that continued exemptions are needed to support “direct assistance” operations. The most recent extension and waivers are in effect beginning September 1, 2021 through November 30, 2021 unless modified or terminated sooner.

Extension and Amendment of Emergency Declaration: Unlike previous declarations issued by FMCSA which applied to 49 CFR 390 through 399, this declaration applies only to §395.3 “Maximum Driving Time for Property-Carrying Vehicles.” It includes new reporting requirements for drivers and motor carriers utilizing the exemptions as well as other modifications, including additional commodities in the list below.

The declaration published today is limited to the transportation of:

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;
6. Gasoline, diesel, jet fuel, and ethyl alcohol; and,
7. Supplies to assist individuals impacted by the consequences of the COVID-19 pandemic (e.g., building materials for individuals displaced or otherwise impacted as a result of the emergency).

Reporting Requirements: The notice directs motor carriers that voluntarily operate under the terms of this extension and amendment of Emergency Declaration No. 2020-002 to report within 5 days after the end of each month their reliance on the Declaration. To report, motor carriers will access their portal account at <https://portal.fmcsa.dot.gov/login>. We strongly encourage everyone to review the applicability, restrictions, and limitations to ensure compliance.

CDL, CLP, and Medical Certification Validity Waivers: Through November 30, 2021, this waiver permits, but *does not require*, States to:

- Extend the validity of commercial driver’s licenses (CDLs) due for renewal on or after March 1, 2020 beyond the 8-year maximum period of validity.
- Extend the validity of commercial learner’s permits (CLPs) due for renewal on or after March 1, 2020 beyond the one-year maximum period of validity without requiring the CLP holder to retake the general and endorsement knowledge tests.
- Allow CLP holders to take the CDL skills test without waiting 14 days after initial issuance of the CLP.

States have discretion to determine if the above CDL and CLP extensions are necessary due to the ongoing COVID-19 pandemic. Additionally, **provided that** a driver has proof of a valid medical certification and any required medical variance issued for a period of 90 days or longer that expired on or after June 1, 2021, the notice waives until November 30, 2021:

- The requirement that CDL holders, CLP holders, and non-CDL drivers have a medical examination and certification.
- The requirement that, in order to maintain the medical certification status of “certified,” CDL or CLP holders provide the SDLA with an original or copy of a subsequently issued medical examiner’s certificate and any required medical variance.
- The requirement that the SDLA change the CDL or CLP holder’s medical certification status to “not certified” upon the expiration of the medical examiner’s certificate or medical variance.
- The requirements that the SDLA initiate a CDL or CLP downgrade upon the expiration of the medical examiner’s certificate or medical variance.

Additionally, until November 30, 2021, FMCSA continues to recognize the validity of commercial driver’s licenses issued by Canadian Provinces and Territories and Licencias Federales de Conductor issued by the United Mexican States, when such jurisdictions issue a similar notice or declaration extending CDL and/or medical certification validity dates due to interruption to government service resulting from COVID-19.

Several restrictions apply. Drivers and carriers should review the complete waiver to ensure applicability and compliance.

Third Party CDL Skills Test Examiners Waiver: Effective September 1, 2021 and expiring November 30, 2021, this waiver permits state-authorized third-party skills test examiners to also administer the CDL *knowledge* test without completing a CDL knowledge test training course. The waiver applies to state-authorized third-party skills test examiners who have maintained a valid CDL test examiner certification and have previously completed a CDL skills test examiner training course.

If you have any questions, please contact Dan Horvath at dhorvath@trucking.org or Laura Spector at lspector@trucking.org.