

LEGAL UPDATE

FMCSA Waives HOS Requirements for COVID-19 Relief Efforts

On March 13, 2020, the Federal Motor Carrier Safety Administration (FMCSA) issued an [emergency declaration](#) that provides some commercial motor vehicle (CMV) drivers an immediate waiver from the agency's hours-of-service (HOS) regulations.

Affected Drivers

The waiver applies to CMV drivers who are providing “**direct assistance**” in support of emergency relief efforts related to the COVID-19 outbreak. This includes efforts to meet immediate needs for:

- Medical supplies and equipment, personnel and patients;
- Supplies and equipment needed for community safety (includes masks, gloves, hand sanitizer, soap and disinfectants);
- Equipment and supplies to set up and manage temporary housing, quarantine and isolation facilities; and
- Food for emergency restocking of stores.

Effective Period

The FMCSA's emergency declaration will remain in effect until April 12, 2020, or until the [national state of emergency](#) ends, **whichever comes sooner**.

Still in Force

The FMCSA has also clarified that this temporary waiver **does not apply** to the controlled substances and alcohol use and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), the financial responsibility (insurance) requirements (49 CFR Part 387), the hazardous material regulations (49 CFR Parts 100-180), applicable size and weight requirements, or any other portion of the regulations not specifically exempted under 49 CFR § 390.23.

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Direct Assistance

- Direct assistance **includes** loads containing essential supplies, equipment and persons.
- Direct assistance **excludes** routine commercial deliveries and the transportation of mixed loads.
- Mixed loads include essential cargo, along with supplies, equipment and persons that are not being transported in support of emergency relief efforts related to the COVID-19 outbreaks.

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Kinney Pike
Insurance Professionals