



**Federal Motor Carrier
Safety Administration**

May 26, 2021

**EXTENSION OF THE EXPANDED MODIFIED
EMERGENCY DECLARATION No. 2020-002 UNDER 49 CFR § 390.25**

THE FIFTY UNITED STATES OF AMERICA AND THE DISTRICT OF COLUMBIA

The Federal Motor Carrier Safety Administration (FMCSA) hereby declares that the continuing national emergency warrants extension of the expanded modified Emergency Declaration No. 2020-002. The extension of the expanded modified Emergency Declaration continues the exemption granted from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs) for the fifty States and the District of Columbia as set forth below.

FMCSA issued Emergency Declaration No. 2020-002 in response to the March 13, 2020 declaration of a national emergency under 42 U.S.C. § 5191(b) related to the coronavirus disease 2019 (COVID-19), and the immediate risk COVID-19 presents to public health and welfare. FMCSA has previously modified Emergency Declaration 2020-002 to expand and remove categories of supplies, equipment and persons covered by the Emergency Declaration to respond to changing needs for emergency relief. On February 17, 2020, FMCSA extended the modified Emergency Declaration No. 2020-002 and associated regulatory relief through May 31, 2021 in accordance with 49 CFR § 390.25. FMCSA is continuing the exemption and associated regulatory relief in accordance with 49 CFR § 390.25, because the presidentially declared emergency remains in place and because a continued exemption is needed to support direct emergency assistance for some supply chains. This notice continues the relief granted in Emergency Declaration 2020-002, as modified on June 15, 2020, August 15, 2020, and December 1, 2020, through August 31, 2021 subject to the restrictions and limitations set forth herein unless modified or terminated sooner. This extension of the expanded modified Emergency Declaration addresses national emergency conditions that create a need for immediate transportation of essential supplies, and provides necessary relief from the FMCSRs for motor carriers and drivers.

By execution of this extension of the expanded modified Emergency Declaration No. 2020-002, motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 public health emergency are granted emergency relief from Parts 390 through 399 of the FMCSRs, except as restricted herein. 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 essential supplies related to COVID-19 during the emergency.

The extension of the expanded modified Emergency Declaration No. 2020-002 provides regulatory relief for commercial motor vehicle operations providing direct assistance in

support of emergency relief efforts related to COVID-19 and is limited to 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. Direct assistance does not include non-emergency transportation of qualifying commodities or routine commercial deliveries, including mixed loads with a nominal quantity of qualifying emergency relief added to obtain the benefits of this emergency declaration. 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.¹

Emergency Declaration Restrictions & Limitations

By execution of this extension of the expanded modified Emergency Declaration No. 2020-002, motor carriers and drivers providing direct assistance to the national emergency are **not granted** emergency relief from, and must continue to comply with, the following Federal Motor Carrier Safety Regulations and conditions:

1. 49 CFR § 392.2 related to the operation of a commercial motor vehicle in accordance with State laws and regulations, including compliance with applicable speed limits and other traffic restrictions.
2. 49 CFR § 392.3 related to the operation of a commercial motor vehicle while a driver's ability or alertness is so impaired, or so likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him/her to begin or continue to operate the motor vehicle.
3. Motor carriers shall not require or allow fatigued drivers to operate a commercial motor vehicle. A driver who informs a carrier that he/she needs immediate rest shall be given at least ten consecutive hours before the driver is required to return to service.
4. 49 CFR §§ 392.80 and 392.82 related to the prohibitions on texting while driving and using a hand-held mobile telephone while driving.
5. 49 CFR §§ 396.7 and 396.9 related to the prohibitions on operating a vehicle in a condition likely to cause an accident or breakdown of the vehicle and operating a vehicle declared and marked out-of-service until all repairs required by the out-of-service notice have been satisfactorily completed.
6. 49 CFR § 390.15(a) related to making all records and information pertaining to a crash available to FMCSA, State and local enforcement agencies and providing assistance in the investigation of a crash, as requested. A motor carrier whose driver is involved in a crash while operating under this emergency declaration must report any recordable crash within 24 hours, by phone or in writing, to the FMCSA Division Office where the motor

¹ This Notice of Expansion and Extension of the Modified Emergency Declaration No. 2020-002 and other FMCSA documents related to the COVID-19 national emergency are posted at [fmcsa.dot.gov/COVID-19](https://www.fmcsa.dot.gov/COVID-19).

carrier is domiciled. The carrier must report the date, time, location, driver, vehicle identification, and brief description of the crash.

7. Nothing in the Emergency Declaration or this extension of the expanded modified Emergency Declaration shall be construed as an exemption from the controlled substance and alcohol uses 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.
8. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this declaration until they have met the applicable conditions for its rescission and the order has been rescinded by FMCSA in writing.
9. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services that are not in support of emergency relief efforts related to COVID-19 or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. (49 CFR § 390.23(b)). Upon termination of direct assistance to emergency relief efforts related to COVID-19, the motor carrier and driver are subject to the requirements of 49 CFR Parts 390 through 399, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with Parts 390 through 399. When a driver is moving from emergency relief efforts to normal operations a 10-hour break is required when the total time a driver operates conducting emergency relief efforts, or a combination of emergency relief and normal operations, equals 14 hours.

NOTE: In the interest of ensuring continued commercial motor vehicle safety, it is FMCSA's intention to wind down the exemptions granted under this Emergency Declaration and related COVID-19 regulatory relief measures to the extent possible. FMCSA intends to review the status of this Emergency Declaration as of July 1, 2021, and may take action to modify or terminate the Emergency Declaration sooner if conditions warrant.

In accordance with 49 CFR § 390.25, this extension of the expanded modified Emergency Declaration No. 2020-002 is effective at 12:00 A.M. (ET), June 1, 2021 and shall remain in effect until 11:59 P.M. (ET), August 31, 2021, modification or termination by FMCSA, or revocation of the declaration of national emergency under 42 U.S.C. § 5191(b), whichever is soonest.

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Deputy Administrator