



FMCSA issues first nationwide Emergency Declaration in response to COVID-19 outbreaks

24 March 2020

Following the president's declaration of a national emergency related to the COVID-19 outbreaks, the Federal Motor Carrier Safety Administration (FMCSA) issued its first nationwide [Emergency Declaration](#). Typically issued on a state or regional level for natural disasters, such declarations temporarily provide an exemption from certain federal safety regulations for motor carriers and drivers providing "direct assistance" to the emergency relief efforts.

Under this COVID-19 declaration, "direct assistance" includes transportation to meet immediate needs for:

1. Medical supplies and equipment related to the testing, diagnosis, and treatment of COVID-19.
2. 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.
3. Food, paper products, and other groceries for emergency restocking of distribution centers or stores.
4. Immediate precursor raw materials – such as paper, plastic, or alcohol – that are required and to be used for the manufacture of items in categories (1), (2), or (3).
5. Fuel.
6. Equipment, supplies, and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities related to COVID-19.
7. Persons designated by federal, state, or local authorities for medical, isolation, or quarantine purposes.
8. Persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 response.

"Direct assistance" does not include routine commercial deliveries, including mixed loads with a nominal quantity of qualifying emergency relief added to obtain the benefits of the COVID-19

declaration. A driver or commercial motor vehicle remains exempt while returning empty to the motor carrier's terminal or the driver's normal work reporting location.

Motor carriers do not need to obtain approval from FMCSA in advance, and drivers do not need to carry particular paperwork in the vehicle to be eligible for the exemption. Drivers and carriers are still expected to use good judgment and not operate vehicles with fatigued or ill drivers, or under any conditions presenting a clear hazard to other motorists using the highways.

The exemption applies only to Title 49 of the Code of Federal Regulations Parts 390-399, including hours of service rules, vehicle maintenance and inspection, and general driver qualifications. It does not exempt carriers and drivers from other requirements, such as Commercial Driver's License and drug/alcohol requirements, hazardous materials regulations, size and weight restrictions, or state/federal registration and tax requirements. Additional exemptions and waivers may be available on a state-by-state basis – the governors of 38 states, the District of Columbia, and several territories have issued executive orders or emergency declarations related to the COVID-19 outbreaks.

The FMCSA COVID-19 declaration is in effect until midnight on 12 April 2020, unless extended.

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