

Consultants Update

COVID-19

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Discussion Topics

- FMCSA Emergency Declaration Extension
- Extension of Validity for Expired CDLs, CLPs and Driver Medical Cards, HMEs
- Elimination of DOT ORM-D Exemption
- Status of COVID-19 Relief Legislation

FMCSA Emergency Declaration

- FMCSA further extended emergency declaration through February 28, 2021
- Exempts drivers and carriers from Parts 390-399 when transporting emergency relief in response to COVID-19 crisis
- Applies to:
 - (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;
 - (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

FMCSA Exemption

- Emergency declaration exempts companies and drivers from 49 CFR Parts 390-399, including driver hours of service rules, when providing direct assistance in response to COVID-19 emergency
- 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 this emergency declaration.

CDLs and CLPs Extension

- CDLs and CLPs that were scheduled to expire on or after March 1 are now valid through December 31, 2020
- This applies in every state without any state action
- Extension does not apply if driver's privileges are suspended or withdrawn for traffic offenses
- Also does not apply if driver diagnosed with a disqualifying medical condition or one that requires an exemption or skills test, or to a driver with a medical card issued for less than 90 days

Medical Card Extension

- Medical cards set to expire on or after March 1, 2020 but before June 1, 2020 are extended as valid through October 31, 2020
- Medical cards set to expire on or after June 1, 2020 are valid through December 31, 2020
- To be valid, the initial medical certificate must have been issued for 90 days or longer
- Driver must carry a copy of the expired medical card in the vehicle

CDL/Medical Card Extension?

- If you or your drivers are having problems getting access to State driver licensing agencies or Medical Examiners before December 31 due to COVID-19, and your drivers risk losing their license or medical qualification,
- **Please let me know what state or locality where the problems are and I will pass it on to FMCSA for consideration of a further extension**

HME Validity Extension

- TSA has granted States the ability to extend for up to 180 days any Hazmat Endorsement to a CDL that expired or will expire between March 1, 2020 and December 31, 2020; all States are granting the extensions
- Driver must apply for new Security Threat Assessment at least 60 days before HME expires
- TSA also granted an exemption extending the validity of any TWIC that expired between March 1, 2020 and July 31, 2020 for 180 days

ORM-D Marking Elimination

- DOT authorizes use of “ORM-D” (Other Regulated Materials) marking for consumer commodities; this is no longer authorized after December 31, 2020
- Consumer commodities must be packaged, marked and shipped as limited quantities after December 31

Status of Pandemic Relief Legislation

- Bipartisan bill would provide \$908 billion in COVID-19 relief : \$300/week in unemployment for another 4 months, \$288 billion for business through PPP and other programs
- Additional unemployment benefits, payments to state and local governments, business liability protection are sticking points
- McConnell and Pelosi are still negotiating
- Congress has currently funded government operations through December 11, 2020; stimulus bill could be added to spending bill

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