

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, TWICs, Periodic Retesting of Cylinders
- Possibility of new COVID response bill, additional PPP funding now delayed until after election

FMCSA Emergency Declaration

- FMCSA further extended emergency declaration through December 31, 2020
- 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) 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
 - (4) food, paper products and other groceries for emergency restocking of distribution centers or stores

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- Extension does not apply if driver's privileges are suspended or withdrawn for traffic offenses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

HME, TWIC Validity

- 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 October 29, 2020; all States are granting the extensions
- Driver must apply for new Security Threat Assessment at least 60 days before HME expires
- TSA has also granted an exemption extending the validity of any TWIC that expired between March 1, 2020 and July 31, 2020 for 180 days

PHMSA Periodic Retesting

- PHMSA allowing “enforcement discretion” for cylinders and other hazmat packagings that are out of periodic retest for not more than 90 days
- The enforcement discretion runs through October 31, 2020
- Does not apply to Packing Group I commodities

Status of Pandemic Relief Legislation

- Congressional Democrats and Republicans remain far apart
- D's want \$3.4 trillion in COVID relief package
- Senate R's unwilling to go higher than \$1 trillion
- President has cut off further negotiations until after election
- Senate focusing on Supreme Court confirmation
- Congress did avoid government shutdown October 1; funded operations through December 11, 2020

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