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FMCSA Responds to COVID-19 National Emergency

On Tuesday, March 24, 2020, the Federal Motor Carrier Safety Administration ("FMCSA") issued a limited waiver for commercial licenses, permits, and medical cards that have expired or will expire after March 1, 2020. The FMCSA initiated this action in response to President Trump's declaration of a national emergency related to the coronavirus disease 2019 (COVID-19).

The waiver, effective March 20, 2020, and expiring June 30, 2020, offsets drivers' concerns that they will be unable to renew their licenses, permits, and medical cards to comply with Federal Motor Carrier Safety Regulations ("FMCSRs"). States are experiencing greater than normal employee absences or have closed state driver licensing offices in response to guidance from the U.S. Center for Disease Control to use social distancing to reduce the spread of COVID-19. In addition, many medical providers nationwide have canceled regularly-scheduled appointments to dedicate resources to the COVID-19 response, thereby preventing drivers from receiving medical examinations needed to comply with FMCSRs. At the same time, amidst the COVID-19 outbreak, there is a public need for immediate transportation of essential supplies and equipment. This necessitates an adequate supply of drivers. The waiver provides relief from specified FMCSRs, allowing some drivers to fulfill their critical role in delivering necessary property and personnel.

In complying with statutory requirements for waivers, FMCSA has determined that it is in the public interest to issue a waiver that is limited in scope and circumstances and that is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver. The waiver is in the public interest because it allows drivers covered under the waiver to deliver essential supplies and persons across state lines to respond to the COVID-19 outbreaks. The waiver also reduces the administrative burden on state driver licensing agencies during this national emergency.

Regarding the FMCSA's response to the COVID-19 outbreak, Edward Vavro of Dickie, McCamey & Chilcote remarked: "During this crisis, it is reassuring to see that the FMCSA is taking bold initiatives to maximize the industry's ability to respond to this crisis and continue to maintain a strong supply chain for our consumers." For the full text of the FMSCA's waiver, click here.

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