



EMA COMPLIANCE BULLETIN

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FMCSA EXTENDS NATIONAL HOURS OF SERVICE WAIVER THROUGH MAY 31, 2022

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The FMCSA is extending the nationwide CDL driver hour of service (HOS) waiver (49 CFR 395.3) authorized under the March 13, 2020 presidential declaration of national emergency. The current waiver was set to expire on February 28, 2022. However, due to the ongoing COVID 19 pandemic and resulting supply chain disruptions, the FMCSA is extending HOS waivers through May 31, 2022.

HOURS OF SERVICE WAIVER

The FMCSA's Emergency Declaration 2020-002 supporting the nationwide HOS waiver became effective in March of 2020 and has been extended with modifications throughout the COVID-19 crisis. EMA worked closely to the FMCSA to ensure that petroleum products remained a covered product deemed essential for COVID-19 emergency relief.

Gasoline, Diesel Fuel and Jet Fuel

- Drivers hauling **gasoline, diesel fuel, jet fuel and ethyl alcohol** qualify for the HOS waiver until it expires on May 31, 2022, or is otherwise modified or terminated by the FMCSA.

Heating Oil and Propane

- The waiver extension **does not include** heating oil or propane, despite EMA's efforts to have those products deemed essential. FMCSA said it did not include propane and heating oil in the latest extension, leaving it instead for individual state governors to determine.
- Although not named specifically, heating oil and propane are covered under the waiver if they are used for **direct assistance** to COVID-19 related facilities such as for power-generation or space heating for temporary vaccine and testing sites, nursing homes, medical laboratories, hospitals, temporary treatment centers, etc. Preventing these facilities from running out of heating oil or propane is considered one example of providing direct assistance to COVID 19 relief efforts, according to the FMCSA. The agency said it will continue to monitor heating oil and propane supplies for shortages and issue separate HOS waivers as necessary.

Emergency Declaration Restrictions & Conditions

Motor carriers and drivers providing direct assistance to the national emergency are granted emergency relief from 49 CFR § 395.3, maximum driving time for property-carrying vehicles (HOS), subject to the following restrictions and conditions:

- FMCSA Emergency Declaration 2020-002 only waives the hours-of-service regulations under 40 CFR 395.3.
- Motor carriers operating under the waiver must report to the FMCSA within 5 days after the end of each month. To report, motor carriers must access their portal account at <https://portal.fmcsa.dot.gov/login>, log-in with their FMCSA portal credentials, and access the Emergency Declaration Reporting under the Available FMCSA Systems section of the page.
- Motor carriers or drivers currently subject to an out-of-service order are not eligible for the HOS relief under the waiver.
- When direct assistance emergency relief efforts related to COVID-19 is terminated, both motor carriers and drivers are subject to the HOS requirements. However, a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with HOS regulations.
- 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.

FMCSA Hours of Service Waiver 2020-002 can be found [here](#)