

FREQUENTLY ASKED QUESTIONS RELATING TO
PUBLIC HEALTH EMERGENCY DECLARATION RELATED TO COVID-19
Part 3: 5/6/2020

Note: This guidance document does not have the force and effect of law and is not meant to bind the public in any way. This guidance is intended only to provide clarity regarding existing requirements under the law.

Question: Is the exemption from 49 CFR Parts 390-399 under the COVID-19 expanded Emergency Declaration available to eligible drivers/motor carriers operating in the United States when the relief supplies are destined for a location in Canada or Mexico?

Answer: No. FMCSA does not have the authority to exempt those shipments going to Canada or Mexico as a part of relief efforts.

Question: Should a Driver/Vehicle Examination Report (DVER), as outlined in 49 CFR 396.9, be completed if a driver engaging COVID-19 relief efforts is stopped and found to be in violation of a regulation specifically excluded from coverage under *FMCSA's Extension and Expansion of Emergency Declaration*?

Response: Yes. Carriers providing direct assistance to COVID-19 emergency response efforts are still subject to Federal Motor Carrier Safety Regulations (FMCSRs) specifically excluded from coverage under FMCSA's Extension and Expansion of the Emergency Declaration, including portions of 49 CFR Part 392 (e.g., 392.2 and 392.3), Hazardous Materials Regulations, and driver's license requirements. Inspectors should document violations on a DVER and upload in accordance with current procedures. Inspectors should conduct inspections in accordance with the FMCSRs applicable to the mode of operation (COVID-19 relief efforts vs. normal operations) at the time the stop is made.