



**Federal Motor Carrier  
Safety Administration**

**April 6, 2022**

**EXTENSION OF EMERGENCY DECLARATION UNDER 49 CFR § 390.25  
No. 2022-003**

**FLORIDA**

The Federal Motor Carrier Safety Administration (FMCSA) hereby declares that an emergency exists that warrants extension of the emergency declaration issued by the Governor of the State of Florida, and continuing the regulatory relief granted in accordance with 49 CFR § 390.23(a)(1) from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs), except as otherwise restricted herein.

On March 4, 2022, due to rainfall deficits, moderate drought condition, and wildfires, the Governor for the State of Florida issued Executive Order 22-54 declaring a state of emergency existed in Bay County, Florida. On March 5, 2022, the Governor of the State of Florida issued Executive Order 22-55 amending Executive Order 22-54 declaring a state of emergency existed in Bay, Calhoun, and Gulf counties. In accordance with 49 CFR § 390.23(a)(1), the emergency declaration triggered relief from Parts 390 through 399 of the FMCSRs for a period of 30 days. Because emergency conditions have not fully abated, at the request of the State of Florida FMCSA is extending the State emergency declarations issued on March 4-5, 2022 and granting regulatory relief in accordance with 49 CFR § 390.25.

The Extension of the Emergency Declaration addresses ongoing emergency wildfire conditions and provides regulatory relief for direct assistance supporting emergency relief efforts to mitigate the wildfire emergency in the State of Florida. By execution of this Extension of the Emergency Declaration, motor carriers and drivers providing fire suppression services or transporting equipment, supplies, or personnel in support of fire suppression services in direct assistance to the wildfire emergency in the State of Florida are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations except as restricted herein.

**Restrictions & Limitations**

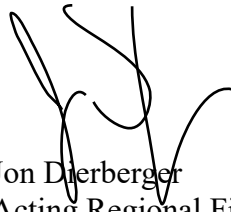
By execution of this Extension to the Emergency Declaration, motor carriers and drivers providing direct assistance to the wildfire emergency in the State of Florida as set forth herein are **not granted** emergency relief from, and must continue to comply with, the following Federal Motor Carrier Safety Regulations and conditions:

1. 49 CFR § 392.2 related to the operation of a commercial motor vehicle in accordance with State laws and regulations, including compliance with applicable speed limits and other traffic restrictions.

2. 49 CFR § 392.3 related to the operation of a commercial motor vehicle while a driver's ability or alertness is so impaired, or so likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him/her to begin or continue to operate the motor vehicle.
3. 49 CFR §§ 392.4 and 392.5 related to the prohibitions on drivers using or possessing alcohol, drugs, or other substances.
4. Motor carriers shall not require or allow fatigued drivers to operate a commercial motor vehicle. A driver who informs a carrier that he/she needs immediate rest shall be given at least ten consecutive hours before the driver is required to return to service.
5. 49 CFR §§ 392.80 and 392.82 related to the prohibitions on texting while driving and using a hand-held mobile telephone while driving.
6. 49 CFR §§ 395.8(a), 395.8(k), and 395.11 related to driver's record of duty status, supporting documents, and retention of driver's records of duty status and supporting documents, and subpart B of Part 395 related to electronic logging devices. Drivers will record their duty status for each 24-hour period using the method normally used by the driver when not operating under this Extension of the Emergency Declaration. Drivers subject to the ELD requirements when not operating under this Extension of the Emergency Declaration must continue to use ELDs, maintain ELD data for 6 months from the date the electronic record is generated, and make ELD data accessible to law enforcement upon request.
7. 49 CFR §§ 396.7 and 396.9 related to the prohibitions on operating a vehicle in a condition likely to cause an accident or breakdown of the vehicle and operating a vehicle declared and marked out-of-service until all repairs required by the out-of-service notice have been satisfactorily completed.
8. 49 CFR § 390.15(a) related to making all records and information pertaining to a crash available to FMCSA, State and local enforcement agencies and providing assistance in the investigation of a crash, as requested. A motor carrier whose driver is involved in a crash while operating under this emergency declaration must report any recordable crash within 24 hours, by phone or in writing, to the FMCSA Division Office where the motor carrier is domiciled. The carrier must report the date, time, location, driver, vehicle identification, and brief description of the crash.
9. Nothing in the this Extension of the Emergency Declaration shall be construed as an exemption from the controlled substance and alcohol uses and testing requirements (49 CFR Part 382); the commercial driver's license requirements (49 CFR Part 383); the hazardous material safety permit requirements (49 CFR Part 385); the financial responsibility (insurance) requirements (49 CFR Part 387); the hazardous material regulations (49 CFR Parts 100-180); vehicle size, length, width, and weight limitations, as well as route designations administered by the Federal Highway Administration (23 CFR § 658; 23 U.S.C. 127; 49 U.S.C. §§ 31111-31115); or any other portion of the regulations not specifically exempted under 49 CFR § 390.23.

10. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this declaration until they have met the applicable conditions for its rescission and the order has been rescinded by the issuing jurisdiction.
11. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services that are not in direct assistance to the wildfire emergency in the State of Florida as set forth in this Extension of the Emergency Declaration, or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. (49 CFR § 390.23(b)). Upon termination of direct assistance to emergency relief efforts related to the wildfires emergency in the State of Florida as set forth herein, the motor carrier and driver are subject to the all requirements of the FMCSRs while operating commercial motor vehicles, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with 49 CFR Parts 390-399, except as restricted herein. When a driver is moving from emergency relief efforts to normal operations, a 10-hour break is required when the total time a driver is engaged in emergency relief efforts, or in a combination of emergency relief and normal operations, equals 14 hours.

In accordance with 49 CFR § 390.25, this Extension of the Emergency Declaration is effective at 12:01 a.m. (EST), April 4, 2022 and shall remain in effect until the end of the emergency (*as defined in 49 CFR § 390.5*) or until 12:01 a.m. (EST), May 4, 2022, whichever is earlier. FMCSA intends to continually review the status of this Extension of the Emergency Declaration and may take action to modify or terminate the Emergency Declaration sooner if conditions warrant.



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