



Joint Information Center
HIGHWAY PATROL

COVID-19 Federal Emergency Declaration and Waivers

Exempts transportation of goods that are in direct assistance to the COVID-19 outbreak.

- Parts 390 - 399 of the regulations.
 - Driver Qualification
 - Hours of Service
 - Vehicle Equipment and Maintenance

Not Exempted

- CDL
- Drug & Alcohol Testing
- Financial Responsibility
- Hazardous Material Regulations

The following transportation is covered under the Emergency Declaration:

1. Medical supplies and equipment related to testing, diagnosis and treatment of COVID-19.
2. 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.
3. Food, paper products and other groceries for emergency restocking of distribution centers or stores.
4. Immediate precursor raw materials, such as paper, plastic, alcohol, livestock, etc., that are required and to be used for the manufacture of items in numbers 1,2 and 3.
5. Fuel
6. Equipment supplies and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities related to COVID-19.
7. Persons designated by Federal, State or local authorities for medical, isolation, or quarantine purposes.
8. Persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 response.

Declaration is in effect through April 12, 2020 but may be extended if emergency still exists.

Please reference the Frequently Asked Questions related to the Emergency Declaration for further guidance on what is included in the Emergency Declaration. This information can be found at: <https://www.fmcsa.dot.gov/COVID-19>.

CDLs and Medical Cards

CDLs, CLPs or medical cards that expired after 3/1/20, are given until 6/30/2020 to get these items renewed. This is applicable to all carriers, not just those covered under the Emergency Declaration.

A driver with an expired medical certificate must show that the certificate expired after 3/1/2020 and was issued for more than 90 days in order to meet the requirements of the waiver.

This waiver does not apply to a license or medical certificate that expired prior to 3/1/20, that is suspended for traffic related offenses, or a medical certificate that was only issued for 90 days. A downgrade due to a medical certificate expiration prior to 3/1/20 is also not covered under the waiver.

Drug and Alcohol Testing

Random Testing – If random tests are not able to be conducted during the specified period, the tests should be made up by the end of the year to meet the required 50% for drugs and 10% for alcohol testing rates.

Pre-Employment Testing – The waiver does not change the requirement for motor carriers to conduct a negative pre-employment drug screening test prior to letting a perspective employee perform safety sensitive functions.

Post-Accident Testing – If the alcohol test is not performed within 8 hours and/or the drug test is not performed within 32 hours, due to disruptions caused by COVID-19, the carrier must document specific reasons why the tests could not be completed.

Reasonable Suspicion Testing – Carrier must document specific reasons why the tests could not be conducted as required, including any efforts conducted to mitigate the disruption such as attempting to find an alternative testing site.

Return to Duty Tests – Driver cannot perform safety sensitive functions until a negative test is obtained.

Follow-up Tests - Carrier must document specific reasons why the tests could not be conducted as required, including any efforts conducted to mitigate the disruption such as

attempting to find an alternative testing site. The test should then be conducted as soon as practicable.

Please reference FMCSA CDL Waiver and Drug and Alcohol Testing Guidance at: <https://www.fmcsa.dot.gov/COVID-19> for additional information.

For more information, contact: NDHP Motor Carrier Operations, (701) 328-5128 or ndhpmc@nd.gov.