

NATIONAL EMERGENCY TRUCKING RELIEF ACT

In the event of a national emergency declared by the President under 42 U.S.C. 5121, et seq., motor carriers and drivers providing direct assistance in support of national emergency relief efforts in the form of delivering essential supplies such as food and medical supplies or the collection of medical, residential, and commercial waste shall be exempted from hours-of-service regulations for the duration of the emergency.

49 CFR § 390.23 is hereby amended as follows:

§ 390.23 Relief from regulations.

(a) Parts 390 through 399 of this chapter shall not apply to any motor carrier or driver operating a commercial motor vehicle to provide emergency relief during an emergency, subject to the following time limits:

(1) National emergencies.

(i) The exemption provided by paragraph (a)(1) of this section is effective only when:

(A) A national emergency has been declared by the President of the United States.

(ii) This exemption shall not exceed the duration of the motor carrier's or driver's direct assistance in providing emergency relief.

(2) Regional emergencies.

(i) The exemption provided by paragraph (a)(2) of this section is effective only when:

(A) An emergency has been declared by the President of the United States, the Governor of a State, or their authorized representatives having authority to declare emergencies; or

(B) The FMCSA Field Administrator has declared that a regional emergency exists which justifies an exemption from parts 390 through 399 of this chapter.

(ii)

(A) Except as provided in paragraph (a)(2)(ii)(B) of this section and § 390.25, the exemption shall not exceed the duration of the motor carrier's or driver's direct assistance in providing emergency relief, or 30 days from the date of the initial declaration of the emergency or the exemption from the regulations by the FMCSA Field Administrator, whichever is less.

(B) If a Governor who declares an emergency caused by a shortage of residential heating fuel (namely heating oil, natural gas, and propane), subsequently determines at the end of the 30-day period immediately following the declaration that the emergency shortage has not ended, and extends the declaration of an emergency for up to 2 additional 30-day periods, this exemption shall remain in effect up to the end of such additional periods, not to exceed 60 additional days, for a motor carrier or driver providing residential heating fuel in the geographic area designated by the Governor's declaration of emergency.

(3) Local emergencies.

(i) The exemption provided by paragraph (a)(3) of this section is effective only when:

(A) An emergency has been declared by a Federal, State or local government official having authority to declare an emergency; or

(B) The FMCSA Field Administrator has declared that a local emergency exists which justifies an exemption from parts 390 through 399 of this chapter.

(ii) This exemption shall not exceed the duration of the motor carrier's or driver's direct assistance in providing emergency relief, or 5 days from the date of the initial declaration of the emergency or the exemption from the regulations by the FMCSA Field Administrator, whichever is less.

(4) Motor carriers and drivers providing direct assistance in support of national emergency relief efforts

(i) The exemption provided by paragraph (a)(4) of this section shall apply to a motor carrier or driver directly assisting in support of national emergency relief efforts by way of transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services, such as the delivery of essential supplies to include food and medical supplies or the collection of medical, residential, and commercial waste during the emergency.

(5) Tow trucks responding to emergencies.

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(i) The exemption provided by [paragraph \(a\)\(5\)](#) of this section is effective only when a request has been made by a Federal, [State](#) or local police officer for tow [trucks](#) to move wrecked or disabled motor vehicles.

(ii) This exemption shall not exceed the length of the [motor carrier's](#) or [driver's direct assistance](#) in providing [emergency relief](#), or 24 hours from the time of the initial request for assistance by the Federal, [State](#) or local police officer, whichever is less.

(b) Upon termination of [direct assistance](#) to the [national](#), regional or local [emergency relief](#) effort, the [motor carrier](#) or [driver](#) is subject to the requirements of parts 390 through 399 of this chapter, with the following exception: A [driver](#) may return empty to the [motor carrier's](#) terminal or the [driver's](#) normal work reporting location without complying with parts 390 through 399 of this chapter. However, a [driver](#) who informs the [motor carrier](#) that he or she needs immediate rest must be permitted at least 10 consecutive hours off duty before the [driver](#) is required to return to such terminal or location. Having returned to the terminal or other location, the [driver](#) must be relieved of all duty and responsibilities. [Direct assistance](#) terminates when a [driver](#) or [commercial motor vehicle](#) is used in [interstate commerce](#) to transport cargo not destined for the [emergency relief](#) effort, or when the [motor carrier](#) dispatches such [driver](#) or [commercial motor vehicle](#) to another location to begin operations in commerce.

(c) When the [driver](#) has been relieved of all duty and responsibilities upon termination of [direct assistance](#) to a regional or local [emergency relief](#) effort, no [motor carrier](#) shall permit or require any [driver](#) used by it to drive nor shall any such [driver](#) drive in commerce until the [driver](#) has met the requirements of §§ [395.3\(a\) and \(c\)](#) and [395.5\(a\)](#) of this chapter.

[[57 FR 33647](#), July 30, 1992, as amended at [60 FR 38744](#), July 28, 1995; [68 FR 22514](#), Apr. 28, 2003; [70 FR 50070](#), Aug. 25, 2005; [76 FR 81186](#), Dec. 27, 2011; [79 FR 63059](#), Oct. 22, 2014]

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