

COVID-19 Update: State Policy Actions Impacting Business Operations – Hours of Service

State Emergency Action on Commercial Driver Hours of Service:

- U.S. 49 CFR 395 details the “Hours of Service of Drivers”;
- Although numerous states recently granted exemptions to Hours of Service, only the U.S. Department of Transportation (DOT) has the authority to provide such an exemption;
- ***On March 13, the U.S. DOT’s Federal Motor Carrier Safety Administration (FMCSA) issued a national emergency declaration to provide hours-of-service regulatory relief to commercial vehicle drivers transporting emergency relief in response to the nationwide coronavirus (COVID-19) outbreak.*** This declaration is the first time FMCSA has issued nationwide relief.
- **The original March 13 national emergency declaration provided Hours of Service relief through April 12. FMCSA announced on April 9 that it was extending the emergency Hours of Service relief through May 15.**
- Although some state waivers on Hours of Service require drivers to carry a copy of the emergency declaration, such requirement of drivers for the national emergency declaration is not required.

<https://www.fmcsa.dot.gov/emergency/emergency-declaration-under-49-cfr-ss-39023-no-2020-002>

The Federal Motor Carrier Safety Administration extended the national emergency declaration on driver hours of service (which had been set to expire on May 15) through June 14.

- <https://www.fmcsa.dot.gov/emergency/extension-expanded-emergency-declaration-no-2020-002-under-49-cfr-ss-39025>
- <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-05/Extension%20of%20Emergency%20Declaration%202020-002-05132020.pdf>

Updated state activity on July 16: North Carolina (hours of Service exemption extended through August 14).

States	Orders	Notes
Alabama	Direct questions to Bill McManus (bmcmanus@ameribev.org)	
Alaska	Direct questions to David Thorp (dthorp@ameribev.org)	
Arizona	Direct questions to David Thorp (dthorp@ameribev.org)	
Arkansas	Direct questions to Bill McManus (bmcmanus@ameribev.org) Hours of Service: Governor Tim Hutchinson Executive Order 20-03 <ul style="list-style-type: none"> • Executive Order 20-03 seeks to lift the Hours of Service limits. • Only the U.S. DOT has such authority on Hours of Service relief. The U.S. DOT did provide nationwide Hours of Service relief on March 13. 	
California	Direct questions to Fredericka McGee (fmcgee@ameribev.org)	
Colorado	Direct questions to David Thorp (dthorp@ameribev.org)	
Connecticut	Direct questions to Sandra Grance (sgrance@ameribev.org)	
Delaware	Direct questions to Sarah Doran (sdoran@ameribev.org) Hours of Service: DOT Secretary Jennifer Cohen Waiver <ul style="list-style-type: none"> • “The Delaware Dept. of Transportation hereby grants regulatory relief for Commercial Drivers hours of service requirements beginning 8:00 am March 15, 2020 and ending April 11, 2020 for the truck drivers operating a commercial motor vehicle in Delaware intrastate commerce for the purpose of delivering grocery supplies to retailers.” • Only the U.S. DOT has such authority on Hours of Service relief. The U.S. DOT did provide nationwide Hours of Service relief on March 13. 	
District of Columbia		
Florida	Direct questions to Sarah Doran (sdoran@ameribev.org) Hours of Service: http://www.frf.org/files/COVID-19/TLR_EO_CVE.3.14.20.pdf <ul style="list-style-type: none"> • Waive the hours of service requirements and apply emergency relief from regulations pursuant to 49 CFR 390.23 for such vehicles. • Only the U.S. DOT has such authority on Hours of Service relief. The U.S. DOT did provide nationwide Hours of Service relief on March 13. 	

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Georgia	<p>Direct questions to Sarah Doran (sdoran@ameribev.org)</p> <p>Hours of Service: Governor Brian Kemp Executive Order 20.01</p> <ul style="list-style-type: none"> • “...the federal rules and regulations limiting hours operators of commercial vehicles may drive are suspended to ensure that carrier crews are available as needed to provide emergency relief.” • Only the U.S. DOT has such authority on Hours of Service relief. The U.S. DOT did provide nationwide Hours of Service relief on March 13.
Hawaii	Direct questions to David Thorp (dthorp@ameribev.org)
Idaho	Direct questions to David Thorp (dthorp@ameribev.org)
Illinois	Direct questions to Bill McManus (bmcmanus@ameribev.org)
Indiana	<p>Direct questions to Steve Lodge (slodge@ameribev.org)</p> <p>Hours of Service: Governor Eric Holcomb Executive Order 20-03</p> <ul style="list-style-type: none"> • “During this public health emergency, motor carriers and drivers of commercial vehicles...are exempt from regulations restricting their hours of service...until April 5, 2020...” • Only the U.S. DOT has such authority on Hours of Service relief. The U.S. DOT did provide nationwide Hours of Service relief on March 13
Iowa	<p>Direct questions to Bill McManus (bmcmanus@ameribev.org)</p> <p>Hours of Service: Governor Kim Reynolds Proclamation (updated on 3/17)</p> <ul style="list-style-type: none"> • Temporarily suspend the state regulation pertaining to hours of service “while transporting vaccines, antivirals, prescription drugs, protective equipment, and other necessary medical asset” subject to conditions. • Only the U.S. DOT has such authority on Hours of Service relief. The U.S. DOT did provide nationwide Hours of Service relief on March 13.
Kansas	<p>Direct questions to Bill McManus (bmcmanus@ameribev.org)</p> <p>Hours of Service: https://governor.kansas.gov/wp-content/uploads/2020/03/E.O.-20-09.pdf</p> <ul style="list-style-type: none"> • Sections 390-399 of FMCSA are suspended...(hours of service). <p>Only the U.S. DOT has such authority on Hours of Service relief. The U.S. DOT did provide nationwide Hours of Service relief on March 13.</p>
Kentucky	<p>Direct questions to Sarah Doran (sdoran@ameribev.org)</p> <p>Hours of Service: Governor Andy Beshear Declaration KYTC Secretary Jim Gray Order</p> <ul style="list-style-type: none"> • “That commercial vehicles providing relief and their operators shall be exempt from the hours of service...” • Only the U.S. DOT has such authority on Hours of Service relief. The U.S. DOT did provide nationwide Hours of Service relief on March 13.
Louisiana	Direct questions to Steve Lodge (slodge@ameribev.org)
Maine	Direct questions to Sandra Grance (sgrance@ameribev.org)
Maryland	Direct questions to Sarah Doran (sdoran@ameribev.org)
Massachusetts	Direct questions to Sandra Grance (sgrance@ameribev.org)
Michigan	Direct questions to Steve Lodge (slodge@ameribev.org)
Minnesota	<p>Direct questions to Steve Lodge (slodge@ameribev.org)</p> <p>Hours of Service:</p>

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	<p>MN Governor Tim Walz Exec Order</p> <ul style="list-style-type: none"> • Motor carriers and drivers providing direct assistance to emergency relief efforts are exempt from regulations pertaining to hours of service. • Only the U.S. DOT has such authority on Hours of Service relief. The U.S. DOT did provide nationwide Hours of Service relief on March 13. 	
Mississippi	Direct questions to Bill McManus (bmcmanus@ameribev.org)	
Missouri	<p>Direct questions to Bill McManus (bmcmanus@ameribev.org)</p> <p>Hours of Service: https://www.modot.org/node/18186</p> <ul style="list-style-type: none"> • Gov. Parson’s Executive Order on March 18 supports the U.S. FMCSA’s national emergency declaration to provide hours-of-service regulatory relief to commercial vehicle drivers transporting emergency relief in response to the nationwide coronavirus (COVID-19) outbreak. • The Governor’s executive order specifically waives the provisions of section 307.400, RSMo, which regulate motor carriers’ hours of service. 	
Montana	Direct questions to David Thorp (dthorp@ameribev.org)	
Nebraska	<p>Direct questions to Bill McManus (bmcmanus@ameribev.org)</p> <p>Hours of Service: Governor Pete Ricketts Executive Order 20-01 (drivers should carry proclamation)</p> <ul style="list-style-type: none"> • “Hours of Service of Drivers requirements...are hereby suspended...” • Only the U.S. DOT has such authority on Hours of Service relief. The U.S. DOT did provide nationwide Hours of Service relief on March 13. 	
Nevada	Direct questions to David Thorp (dthorp@ameribev.org)	
New Hampshire	Direct questions to Sandra Grance (sgrance@ameribev.org)	
New Jersey	Direct questions to Sandra Grance (sgrance@ameribev.org)	
New Mexico	Direct questions to David Thorp (dthorp@ameribev.org)	
New York	<p>Direct questions to Sandra Grance (sgrance@ameribev.org)</p> <p>Hours of Service: Governor Andrew Cuomo Executive Order 202</p> <ul style="list-style-type: none"> • “...this declaration satisfies the requirements...which provides relief from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations...” • Only the U.S. DOT has such authority on Hours of Service relief. The U.S. DOT did provide nationwide Hours of Service relief on March 13. 	
North Carolina	<p>Direct questions to Sarah Doran (sdoran@ameribev.org)</p> <p>Hours of Service: Governor Roy Cooper Executive Order 116</p> <ul style="list-style-type: none"> • The NC DOT shall waive the maximum hours of service for drivers... • Only the U.S. DOT has such authority on Hours of Service relief. The U.S. DOT did provide nationwide Hours of Service relief on March 13. • Gov. Cooper on July 14 signed Executive Order 150 to extend the “Hours of Service” exemption through August 14, 2020. • https://files.nc.gov/governor/documents/files/EO150-Extending-Transportation-Waivers.pdf 	7/16
North Dakota	<p>Direct questions to Bill McManus (bmcmanus@ameribev.org)</p> <p>Gov. Doug Burgum signed on June 23 an executive order that extends the renewal date for motor vehicle registrations and driver licenses that expired on or after March 1, 2020. The new renewal date is August 31, 2020. Read more here: https://www.governor.nd.gov/sites/www/files/documents/executive-orders/Executive%20Order%202020-36.pdf</p> <p>License renewal and vehicle registration services are available by appointment only and can be scheduled through the North Dakota Department of Transportation (NDDOT) website at dot.nd.gov or by calling 1-855-633-6835.</p>	

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Ohio	Direct questions to Steve Lodge (slodge@ameribev.org)
Oklahoma	Direct questions to Bill McManus (bmcmanus@ameribev.org) Hours of Service: https://www.sos.ok.gov/documents/Executive/1916.pdf <ul style="list-style-type: none"> • Granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations. [Hours of Service] • Only the U.S. DOT has such authority on Hours of Service relief. The U.S. DOT did provide nationwide Hours of Service relief on March 13.
Oregon	Direct questions to David Thorp (dthorp@ameribev.org)
Pennsylvania	Direct questions to Sandra Grance (sgrance@ameribev.org)
Puerto Rico	Direct questions to Steve Lodge (slodge@ameribev.org)
Rhode Island	Direct questions to Sandra Grance (sgrance@ameribev.org)
South Carolina	Direct questions to Sarah Doran (sdoran@ameribev.org) Hours of Service: Governor Henry McMaster Executive Order 2020-08 <ul style="list-style-type: none"> • Provides an exemption pursuant to 49 C.F.R. 390.23 and section 56-5-70 of the South Carolina Code of Laws regarding hours of service for 15 days from March 13, 2020. • Only the U.S. DOT has such authority on Hours of Service relief. The U.S. DOT did provide nationwide Hours of Service relief on March 13.
South Dakota	Direct questions to Bill McManus (bmcmanus@ameribev.org) Hours of Service: Governor Kristi Noem Executive Order 2020-04 <ul style="list-style-type: none"> • Provides an exemption pursuant to 49 C.F.R. Parts 390-399 regarding hours of service until April 12, 2020. • Only the U.S. DOT has such authority on Hours of Service relief. The U.S. DOT did provide nationwide Hours of Service relief on March 13.
Tennessee	Direct questions to Sarah Doran (sdoran@ameribev.org) Hours of Service: Governor Bill Lee Executive Order 14 <ul style="list-style-type: none"> • Provides an exemption pursuant to 49 C.F.R. Part 395 limiting the hours of service for the operator of a commercial vehicle until May 11, 2020. • Only the U.S. DOT has such authority on Hours of Service relief. The U.S. DOT did provide nationwide Hours of Service relief on March 13.
Texas	Direct questions to Steve Lodge (slodge@ameribev.org)
Utah	Direct questions to David Thorp (dthorp@ameribev.org)
Vermont	Direct questions to Sandra Grance (sgrance@ameribev.org)
Virginia	Direct questions to Sarah Doran (sdoran@ameribev.org) Hours of Service: Virginia DOT Commissioner Stephen Brich Letter <ul style="list-style-type: none"> • An exemption in coordination with the Virginia Department of Emergency Management which activates the FMSCA Section 390.23 Relief of Regulations including hours of service. • Only the U.S. DOT has such authority on Hours of Service relief. The U.S. DOT did provide nationwide Hours of Service relief on March 13.
Washington	Direct questions to David Thorp (dthorp@ameribev.org)
West Virginia	Direct questions to Sarah Doran (sdoran@ameribev.org) Hours of Service: https://transportation.wv.gov/highways/maintenance/hauling_permits/Documents/COVID-19.pdf <ul style="list-style-type: none"> • Waiver includes an exemption which activates the FMCSA Section 390.23 Relief of Regulations, including hours of service.

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	<ul style="list-style-type: none"> • Only the U.S. DOT has such authority on Hours of Service relief. The U.S. DOT did provide nationwide Hours of Service relief on March 13. 	
Wisconsin	<p>Direct questions to Steve Lodge (slodge@ameribev.org)</p> <p>Hours of Service: https://wisconsindot.gov/Pages/about-wisdot/newsroom/news-rel/031429-COVID19Permits.aspx</p> <ul style="list-style-type: none"> • Interstate and intrastate carriers providing direct emergency relief to supply grocery retailers are relieved from the requirements contained in the Federal Motor Carrier Safety Regulations, Title 49 C.F.R. Parts 390-399 and Wis. Admin. Code TRANS 325 and 327 [Hours of Service]. • Only the U.S. DOT has such authority on Hours of Service relief. The U.S. DOT did provide nationwide Hours of Service relief on March 13. 	
Wyoming	Direct questions to David Thorp (dthorp@ameribev.org)	