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FMCSA Driver Hours of Service Waiver Ends June 14, 2020

From PMAA

The Federal Motor Carrier Safety Administration (FMCSA) driver hours of service (HOS) emergency waiver that petroleum marketers have been operating under during the COVID-19 emergency ends on June 14, 2020 at 11:59 PM. The HOS emergency waiver was first issued on March 13, 2020 and subsequently extended to June 14, 2020.

[Click here to read the full PMAA Compliance Bulletin.](#)

VA Order Allows Sale of Remaining Winter Gas Supplies

Attached here you will find a revised order from the Virginia Department of Agriculture and Consumer Services which allows the continued sale of “winter gas” until supplies are depleted. Note that it does not allow new deliveries of winter gas into pipelines or storage.

FMCSA Issues Waiver Expanding Drug Testing Exception for Furloughed Drivers

From PMAA

The Federal Motor Carrier Safety Administration (FMCSA) today announced a waiver extending from 30 days to 90 days, the period under which drivers qualify for pre-employment testing exception under FMCSA regulations. This is good news for petroleum marketers and heating fuel dealers who furloughed drivers due to the COVID-19 emergency because it will reduce or eliminate altogether the number of pre-employment drug tests required for returning drivers.

Ordinarily, CDL drivers and other employees subject to FMCSA drug testing who have been removed from the random drug testing pool for more than 30 days due to furloughs, lay-offs or other periods of unemployment, must undergo pre-employment, controlled substance testing before returning to work. However, an exception under [49 CFR 382.301\(b\)](#) allows an employer to forgo the pre-employment test if the driver:

- **Participated** in a **controlled substances** test program within the previous 30 days; and,
- (i) Was **tested** for **controlled substances** within the past 6 months, or
- (ii) **Participated** in the **random controlled substances** testing program for the previous 12

months, and

- The employer is also required to ensure that no prior employer of the driver has records of a violation drug and alcohol testing requirements within the previous six months.

The FMCSA waiver extends from 30 days to 90 days, the period under which drivers qualify for the pre-employment testing exception. In other words, the waiver allows employers to forego pre-employment testing for drivers who have participated in an approved controlled substances testing program within the previous 90 days of hire or rehire. The waiver begins on June 5, 2020 at midnight and ends at 11:59 pm September 30, 2020.

The FMCSA said that allowing employers to forego pre-employment testing for drivers who participated in a controlled substance testing program within the previous 90 days will provide relief from the administrative and cost burdens associated with administering tests and return drivers to the workforce in a more rapid and efficient manner.

It is important to note that the waiver does not alter any of the remaining controlled substances and alcohol use and testing requirements for drivers or employer's responsibility to submit driver-specific drug and alcohol violation information through the Drug and Alcohol Clearinghouse.

A copy of the FMCSA waiver can be downloaded [here](#).