

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER No. 3-2019**

**EXECUTIVE ORDER DECLARING A STATE OF EMERGENCY AND
TEMPORARILY EXEMPTING CERTAIN CARRIERS FROM HOURS OF SERVICE
REGULATIONS UNDER MONTANA LAW TO HELP MEET FERTILIZER
DELIVERY DEMANDS**

WHEREAS, the farmers of Montana are faced with a compressed spring planting season due to late winter snowfalls;

WHEREAS, these conditions have caused an increased short-term demand for delivery of anhydrous ammonia and other fertilizers by commercial delivery trucks;

WHEREAS, further delays to fertilizer delivery may threaten the ability for farmers to get in the fields in adequate time for planting and crop emergence;

WHEREAS, under Title 10, MCA, the Governor may suspend the provisions of a regulatory statute, agency rule, requirement, or standard if strict compliance would prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, relieving “hours of service” requirements for commercial motor carrier vehicles in Montana, provided for in § 61-10-154, MCA, and A.R.M. § 18.8.1502, will assist Montana farmers by facilitating and expediting the delivery of fertilizer products.

NOW, THEREFORE, I, STEVE BULLOCK, Governor of the State of Montana, pursuant to the authority vested in me under the Constitution and the laws of the State of Montana, Title 10, Chapter 3, MCA, and under other applicable statutes, do hereby declare that a state of emergency exists in Montana, as defined in §§ 10-3-103 and 10-3-302, MCA, and order as follows:

1. A temporary suspension of “hours of service” and associated ELD regulations, as provided in A.R.M. § 18.8.1502 (incorporating by reference 49 C.F.R. part 395), as they apply to drivers of commercial motor vehicles while transporting fertilizer.
2. This Order pertains only to carriers actively involved in transporting anhydrous ammonia and other fertilizers.
3. Nothing in this Order shall be construed to waive or suspend any other state or federal regulation pertaining to commercial motor carriers and commercial driver license requirements or to relieve carriers and commercial drivers from operating their commercial motor vehicles in a safe and prudent manner.

4. Commercial motor vehicle carriers, while under this Order, shall not require or allow fatigued drivers to operate a motor vehicle.
5. Notwithstanding any other provision of this Order, if a driver informs a carrier that the driver needs immediate rest, the “hours of service” requirements, enacted in § 61-10-154, MCA, and implementing regulations, A.R.M. § 18.8.1502, must be followed.

The scope of this Order does not extend beyond the suspension of “hours of service” requirements for the transport of fertilizer.

This Order is effective April 8, 2019, and expires at midnight on June 6, 2019.

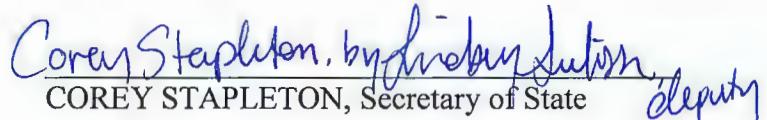


GIVEN under my hand and the GREAT SEAL of
the State of Montana this 8 day of
April, 2019.



STEVE BULLOCK, Governor

ATTEST:



COREY STAPLETON, Secretary of State