

STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER No. 15-2013

EXECUTIVE ORDER DECLARING A STATE OF ENERGY EMERGENCY AND
TEMPORARILY EXEMPTING CERTAIN CARRIERS FROM HOURS OF SERVICE
REGULATIONS UNDER MONTANA LAW FOR INTRASTATE TRAVEL IN ORDER TO
HELP MEET FUEL DEMANDS

WHEREAS, the people of Montana are currently faced with extremely low inventories of petroleum products, particularly propane supplies, primarily in the eastern half of Montana;

WHEREAS, these supply shortages are due to pipeline disruptions resulting in inadequate supplies at pipeline terminals in Montana and North Dakota, as well as increased demand due to unusually wet conditions during the 2013 harvest season requiring significant increases in the need for fuel to dry grain; and

WHEREAS, drivers of delivery trucks are required to wait for several hours at pipeline terminals across the state of Montana and in adjacent states, which limits their ability to transport product; and

WHEREAS, these conditions necessitate the increased delivery of fuel supplies by commercial delivery trucks;

WHEREAS, these supply shortages of petroleum products threaten the health, property, and welfare of Montanans, warranting the declaration of a short-term energy emergency;

WHEREAS, under Titles 10 and 90 of the Montana Code Annotated, the Governor may suspend the provisions of any 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 vehicle carriers in Montana, provided for in Mont. Code Ann. § 61-10-154 and A.R.M. § 18.8.1502, will assist Montanans in addressing the existing supply shortage by facilitating and expediting the distribution of petroleum products;

NOW THEREFORE, I, Steve Bullock, Governor of the State of Montana, by virtue of the authority vested in me under the Constitution and the laws of the State of Montana, do hereby declare that a state of energy emergency exists in Montana, as defined in Mont. Code Ann. § 90-4-302, and order as follows:

1. A temporary suspension of “hours of service” 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 fuel intrastate.

2. This order pertains only to carriers actively involved in transporting petroleum products mentioned above.
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 Montana under the authority of Mont. Code Ann. § 61-10-154, and implementing regulations, A.R.M. §18.8.1502, must be followed.

This order is effective October 24, 2013 and expires on November 14, 2013.

GIVEN under my hand and the Great Seal of the State of Montana, this 25th day of October 2013.




STEVE BULLOCK, Governor

ATTESTED:



LINDA McCULLOCH, Secretary of State

