

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO 16-2013**

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

WHEREAS, the people of Montana are faced with extremely low inventories and outages of propane and heating fuel;

WHEREAS, these conditions necessitate the delivery of fuel supplies by commercial deliver 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 Montana Code Annotated § 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 Montana Code Annotated § 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.
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 Montana Code Annotated § 61-10-154, and implementing regulations, A.R.M. 18.8.1502, must be followed.

This Order is effective December 23, 2013 and expires on January 1, 2014.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 23rd day of December, 2013.



STEVE BULLOCK, Governor

Attest:


LINDA MCCULLOCH, Secretary of State