

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 1-2022**

**EXECUTIVE ORDER DECLARING THAT THE CURRENT CONDITIONS ARE
CAUSING AN EMERGENCY TO EXIST STATEWIDE IN MONTANA**

WHEREAS, the people of Montana are faced with continued harsh winter conditions;

WHEREAS, these conditions have caused an increased short-term demand for propane and heating oil and necessitate the timely delivery of these products by commercial delivery trucks;

WHEREAS, a national shortage of qualified commercial truck drivers and delays of cross-border bulk fuel deliveries have led to reduce in-state bulk fuel storage reserves;

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

WHEREAS, under Titles 10 and 90, MCA, 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 carrier vehicles in Montana, provided for in § 61-10-154, MCA, and A.R.M. § 18.8.1502, will assist Montanans by facilitating and expediting the distribution of petroleum products.

NOW, THEREFORE, I, GREG GIANFORTE, Governor of the State of Montana, pursuant to 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. In accordance with the A.R.M. 18.8.1502 and Federal Motor Carrier Safety Administration (“FMCSA”) Title 49 C.F.R. § 390.23(a)(1)(i), Title 49 C.F.R §§ 390-399 are hereby suspended for motor carriers and persons operating commercial vehicles while providing emergency relief for 30 days from the date of this Executive Order. After which, an extension may only be obtained and approved by the FMCSA field administrator.
2. All other applicable state and federal regulations shall continue to apply, including but not limited to: Title 49 C.F.R. Part 382, Controlled Substances and Alcohol Use and Testing; Title 49 C.F.R. Part 383 Commercial Driver’s License Standards; the federal Minimum Levels of Financial Responsibility (insurance requirements) Title 49 C.F.R. Part 387; and adherence to the regulations governing the Transportation of Hazardous Materials as

provided Title 49 C.F.R. 397 and C.F.R. Parts: 107, 171-173, 177, 178 and 180.

3. Temporary registration and temporary fuel permits normally required under A.R.M. 18.8.422 are suspended for the duration of this Order for commercial vehicles while providing emergency relief.
4. Vehicles operating in excess of legal size and weight shall require oversize/overweight permits. In accordance with M.C.A. 61-10-111, A.R.M. 18.8.509 is suspended for the duration of this Order to allow weekend, nighttime, and holiday travel statewide for over-dimensional and overweight vehicles while providing emergency relief; during nighttime hours on non-interstate highways, loads exceeding 10 feet wide will need a front pilot vehicle or lights extending the full width and length of vehicles.
5. Motor carriers shall not require or allow fatigued drivers to operate a commercial motor vehicle. A driver who informs a carrier that he/she needs immediate rest shall be given at least 10 consecutive hours before the driver is required to return to service.
6. Motor carriers shall not operate a vehicle in a condition likely to cause an accident or breakdown of the vehicle or operate a vehicle declared and marked out-of-service on an inspection report until all repairs required by the out-of-service notice have been satisfactorily completed.
7. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this declaration until they have met the applicable conditions for its rescission and the order has been rescinded by FMCSA in writing.
8. In accordance with M.C.A. 61-10-111 and other applicable statutes do hereby exempt applicable vehicles in Montana from the 10 percent limits of M.C.A. 61-10-144(2) and authorize the operation of vehicles on non-interstate highways without incurring excess weight penalties under M.C.A. 61-10-145 if the total gross weight of the combination, each axle, or axle group does not exceed allowable weight limitations by more than 20 percent.

This Order is effective January 19, 2022 and expires on February 18, 2022.

GIVEN under my hand and the GREAT SEAL
of the State of Montana this 18 day
of January, 2022.





GREG GIANFORTE, Governor

ATTEST:



CHRISTI JACOBSEN, Secretary of State