

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 4-2021**

**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 continued extremely 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, deliveries to individual homes and businesses are being delayed by extreme road conditions, record breaking cold, and deep snow;

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 MCA Titles 10 and 90, 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 MCA § 61-10-154 and ARM 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 MCA § 90- 4-302, and order as follows:

1. A temporary suspension of "hours of service" regulations, as provided in ARM 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 propane, heating oil, and diesel fuel.
3. Nothing in this Order shall be construed to waive or suspend any other state or federal regulation pertaining to commercial motor carries 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 MCA § 61-10-154, and implementing regulations, ARM 18.8.1502, must be followed.

This Order is effective February 12, 2021 and expires on March 14, 2021.

GIVEN under my hand and the GREAT SEAL of the State of Montana this 12 day of February, 2021.





GREG GIANFORTE, Governor

ATTEST:



CHRISTI JACOBSEN, Secretary of State