

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER No. 1-2017**

**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 experiencing extremely harsh winter conditions;

WHEREAS, these conditions have caused an increased demand for propane gas, heating oil, and diesel fuel and require the consistent and timely delivery of these products by commercial delivery trucks;

WHEREAS, on December 28, 2016, I issued Executive Order No. 22-2016, 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, on January 27, 2017, Executive Order No. 22-2016 expired;

WHEREAS, increased consumer demand for propane heating gas continues to disrupt the ability of industry to provide consistent and timely availability of propane heating gas to bulk distributors, causing delay in the loading and transport times of these supplies by commercial delivery trucks;

WHEREAS, this increased demand for propane heating gas has also reduced the ability of bulk distributors to build up supply stocks to adequately meet current and future demands;

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 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

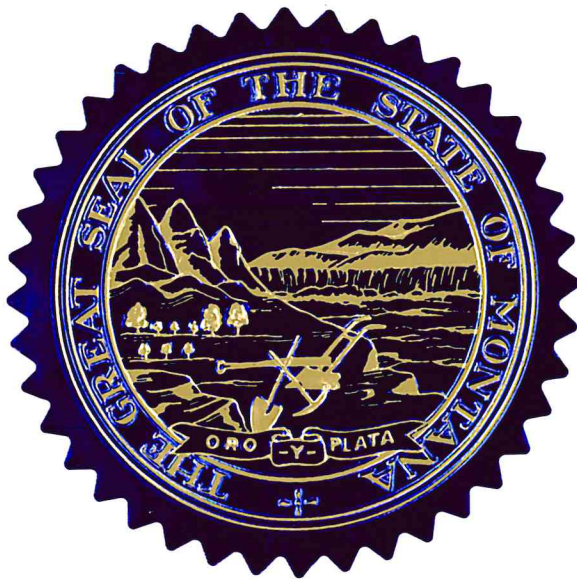
WHEREAS, relieving "hours of service" requirements for commercial motor carrier vehicles in Montana, provided for in Mont. Code Ann. § 61-10-154 and A.R.M. § 18.8.1502, will assist Montanans by facilitating and expediting the distribution of propane heating gas.

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 propane heating gas.
2. This Order pertains only to carriers actively involved in transporting propane heating gas.
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 Mont. Code Ann. § 61-10-154, and implementing regulations, A.R.M. § 18.8.1502, must be followed.

This Order is effective January 31, 2017 and expires on February 21, 2017.

GIVEN under my hand and the GREAT SEAL of
the State of Montana, this 31st day of January 2017.



STEVE BULLOCK, Governor

Attest:

COREY STAPLETON, Secretary of State

JEFFREY HUDSENS, DEPUTY