

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 10-2019**

**EXECUTIVE ORDER DECLARING A STATE OF ENERGY EMERGENCY TO MEET
DEMAND FOR AVIATION FUEL AND OTHER FIRE SUPPRESSION RESOURCES**

WHEREAS, the North Hills Fire in Helena is currently threatening hundreds of residences and outbuildings and has required numerous evacuations of residents;

WHEREAS, the people of Montana face extreme fire conditions statewide with several new fires starting during the last weekend of July;

WHEREAS, in the past, an aggressive initial attack on all wildland fire starts has been the top priority of Montana's fire fighting forces;

WHEREAS, these conditions have caused an increased demand for aviation fuel and other fire suppression resources, which necessitates increased driver hours to meet the demand;

WHEREAS, shortages in driver hours could threaten the health, property, and welfare of Montanans, given the urgent demand for fire suppression resources;

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 energy products.

NOW, THEREFORE, I, STEVE BULLOCK, 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 § 90-4-302, MCA 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 390 through 399), as they apply to drivers of commercial motor vehicles while transporting fuel and other fire suppression resources.
2. This Order pertains only to carriers actively involved in transporting aviation fuel and other critical fire suppression resources.

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 § 61-10-154, MCA, and implementing regulations, A.R.M. § 18.8.1502, must be followed.

This Order is effective July 28, 2019 and expires on August 26, 2019.




GIVEN under my hand and the GREAT SEAL of the State of Montana this 28 day of July, 2019.



STEVE BULLOCK, Governor

ATTEST:



COREY STAPLETON, Secretary of State