

STATE OF MONTANA  
OFFICE OF THE GOVERNOR  
EXECUTIVE ORDER NO. 20-07

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

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WHEREAS, extremely low inventories of petroleum products, particularly gasoline and diesel, have been found to exist at fueling terminal locations throughout Montana; and

WHEREAS, these current and anticipated supply shortages are a result of cumulative factors, including but not limited to petroleum refinery capacity in Montana, current refinery maintenance activities, increased demand on Montana petroleum products due to flooding in the midwestern part of the United States, late-summer and early fall harvesting activities in Montana, and anticipated increased consumer demand through the Labor Day weekend; and

WHEREAS, the supply shortage of petroleum products in Montana is expected to be short-lived; and

WHEREAS, the inventory shortage at terminal locations in Montana has required commercial motor vehicle carriers to obtain their supplies directly from a limited number of refineries, resulting in loading delays for Montana commercial motor vehicle carriers, exacerbating the supply shortage problem for Montana consumers; and

WHEREAS, the states of North Dakota, Nebraska, and South Dakota have experienced similar inventory shortage problems with petroleum products, and the Governors of those states have declared emergencies and waived their states' "hours of service" requirements applicable to commercial motor vehicle carriers for a limited period of time; and

WHEREAS, relieving "hours of service" requirements for commercial motor vehicle carriers in Montana can assist Montanans in meeting their gasoline and diesel supply needs by expediting the distribution of gasoline and diesel to retail outlets and consumers; and

WHEREAS, these low inventories of petroleum products threaten to jeopardize the life, health, property, and welfare of Montanans, warranting the declaration of a short-term energy emergency.

NOW, THEREFORE, I, Brian Schweitzer, 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 due to the aforementioned conditions, a state of energy emergency exists in Montana, as defined in Mont. Code Ann. § 90-4-302, and do hereby order:

1. 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 intrastate.

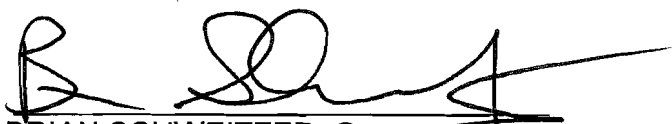
2. Nothing in this Order shall be construed to waive or suspend any other state or federal regulation pertaining to commercial motor carriers and commercial driver license requirements or to relieve carriers and commercial drivers from operating their commercial motor vehicles in a safe and prudent manner.

3. Commercial motor vehicle carriers, while under this Order, shall not require or allow fatigued drivers to operate a motor vehicle.

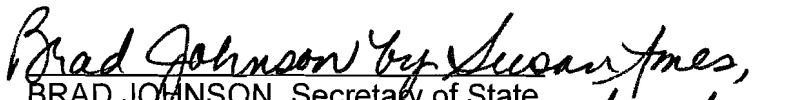
4. Notwithstanding any other provision of this Order, if a driver informs a carrier that the driver needs immediate rest, the "hours of service" requirements, enacted in Montana under the authority of Mont. Code Ann. § 61-10-154, and implementing regulations, codified at A.R.M. § 18.8.1502, must be followed.

This Order is effective retroactively to August 29, 2007 and expires on September 9, 2007.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this 30<sup>th</sup> day of August, 2007.

  
BRIAN SCHWEITZER, Governor

ATTEST:

  
BRAD JOHNSON, Secretary of State *deputy*