

STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 6 – 2011

EXECUTIVE ORDER TEMPORARILY EXEMPTING CERTAIN CARRIERS FROM HOURS OF SERVICE
REGULATIONS UNDER MONTANA LAW FOR INTRASTATE TRAVEL

WHEREAS, in May and June 2011, heavy spring runoff in Montana has produced widespread flooding throughout the state; and

WHEREAS, on May 22, 2011 I issued Executive Order No. 5-2011, proclaiming an emergency to exist in the State of Montana as a result of the heavy runoff conditions; and

WHEREAS, this event has and is causing severe damage to many bridges and roads, including some that are washed out and impassable; and

WHEREAS, under Mont. Code Ann. § 10-3-104, the governor may suspend the provisions of any agency rule 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 vehicle carriers in Montana, provided for in A.R.M. § 18-8.1502, and promulgated under Mont. Code Ann. 61-10-154, will assist Montanans in carrying out emergency protective measures and repairs in flooded areas.

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 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.
2. This order pertains only to carriers actively involved in preventing or repairing flood damage to the public infrastructure.
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 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 June 1, 2011 and expires on June 21, 2011.

GIVEN under my hand and the
GREAT SEAL of the State of Montana,
this 1st day of June, 2011.


BRIAN SCHWEITZER, Governor

ATTEST:


LINDA MCCULLOCH, Secretary of State