

**STATE OF MONTANA  
OFFICE OF THE GOVERNOR  
EXECUTIVE ORDER NO. 6-2024**

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**EXECUTIVE ORDER DECLARING A STATE OF EMERGENCY AND  
TEMPORARILY EXEMPTING CERTAIN CARRIERS FROM HOURS OF SERVICE  
REGULATIONS UNDER MONTANA LAW TO HELP MEET FERTILIZER  
DELIVERY DEMANDS**

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**WHEREAS**, a significant amount of fertilizer imported into the United States is produced in the Middle East, Canada, and other international markets;

**WHEREAS**, cascading effects of unrest in and sanctions on countries in the Middle East and other regions, and the closing of Baltimore Harbor after the Francis Scott Key bridge collapse, tightened border security between the U.S. and Canada, and bad weather including tornados and late winter storms in the Midwest and Central states have all slowed the supply of fertilizer moving to and across the U.S. to Montana;

**WHEREAS**, the impact of slowed deliveries into Montana, the vast distances that must be traveled with supplies, and a shortage of drivers have caused an increased short-term demand for delivery of anhydrous ammonia and other fertilizers by commercial delivery trucks;

**WHEREAS**, the weather outlook over the next few weeks, coupled with the ongoing drought, may cause further delays to fertilizer delivery and threaten the ability of farmers to get into fields in adequate time for planting and crop emergence, and could have up to a \$400 million impact on Montana's \$1.6 billion crop production value;

**WHEREAS**, under Title 10, MCA, the Governor may suspend the provisions of regulatory statute, agency rule, requirement, or standard if strict compliance would prevent, hinder, or delay necessary action in coping with an emergency; and

**WHEREAS**, relieving "hours of service" requirement for commercial motor carrier vehicles in Montana, provided for in § 61-10-154, MCA, and A.R.M. § 18.8.1502, will assist Montana farmers by facilitating and expediting the delivery of fertilizer 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, Title 10, Chapter 3, MCA, and other applicable statutes, do hereby declare under § 10-3-103 and § 10-3-303, MCA, that an emergency exists in the State of Montana, and order as follows:

1. In accordance with the A.R.M. 18.8.1502 and Federal Motor Carrier Safety Administration ("FMCSA") Title 49 C.F.R. § 390.23(b), Title 49 C.F.R §§ 395.3 and 395.5 hours of service regulations shall not apply to a motor carrier or driver operating a commercial motor vehicle so long as the motor carrier or driver is providing direct

assistance for a period of 14 days from the date of execution unless otherwise terminated or extended.

2. Motor carriers shall not require or allow fatigued drivers to operate a commercial motor vehicle. A driver who informs a carrier that he/she needs immediate rest shall be given at least 10 consecutive hours before the driver is required to return to service.
3. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this declaration until they have met the applicable conditions for its rescission and the order has been rescinded by FMCSA in writing.
4. A temporary suspension of temporary registration and temporary fuel permits normally required under A.R.M. 18.8.422 for commercial vehicles while providing direct assistance.
5. Vehicles operating in excess of legal size and weight shall require oversize/overweight permits. In accordance with Mont. Code Ann. § 61-10-111, a temporary suspension of A.R.M. 18.8.509 allows weekend, nighttime, and holiday travel statewide for over-dimensional and overweight vehicles while providing direct assistance; during nighttime hours on non-interstate highways, loads exceeding 10 feet wide require a front pilot vehicle.
6. In accordance with Mont. Code Ann. § 61-10-111 and other applicable statutes do hereby exempt applicable farm vehicles in Montana from the 20 percent limits of Mont. Code Ann. § 61-10-144(3) and authorize the operation of vehicles on non-interstate highways without incurring excess weight penalties under Mont. Code Ann. § 61-10-145 if the total gross weight of the combination, each axle, or axle group does not exceed allowable weight limitations by more than 30 percent.
7. All other applicable state and federal regulations shall continue to apply.


This Order is effective April 16, 2024 and will end on April 30, 2024.



GIVEN under my hand and the GREAT SEAL of the State of Montana this 16<sup>th</sup> day of April, 2024.

  
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GREG GIANFORTE, Governor

ATTEST:

  
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CHRISTI JACOBSEN, Secretary of State