

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER No. 5-2021**

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

WHEREAS, the farmers of Montana are always faced with a compressed spring planting season due to late winter snowfalls and unpredictable weather, unpaved roads, and the vast distances traveled with supplies.

WHEREAS, the condensed planting season creates a narrow window for delivery of anhydrous ammonia and other fertilizers by commercial delivery trucks.

WHEREAS, delays to fertilizer delivery may threaten the ability for farmers to get in the fields in adequate time for planting and crop emergence.

WHEREAS, failing to act to extend the hours of services may cause economic harm and financial loss.

WHEREAS, there are no other remedies available to Montana farmers under state law.

WHEREAS, fertilizer delivery drivers are designated as essential critical infrastructure workers by the federal Department of Homeland Security.

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 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, do hereby order as follows:

1. A temporary suspension of "hours of service" and associated ELD 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 fertilizer.
2. This Order pertains only to carriers actively involved in transporting anhydrous ammonia and other fertilizers.
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.

The scope of this Order does not extend beyond the suspension of "hours of service" requirements for the transport of fertilizer.

This Order is effective April 1, 2021, and expires at midnight on June 6, 2021.



GIVEN under my hand and the GREAT SEAL of the State of Montana this 26th day of March, 2021.



GREG GIANFORTE, Governor

ATTEST:



CHRISTI JACOBSEN, Secretary of State