STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 9-2026

EXECUTIVE ORDER TEMPORARILY ADDING MEASURES TO MITIGATE THE IMPACTS OF THE STATEWIDE DROUGHT EMERGENCY IN THE STATE OF MONTANA

WHEREAS, Montana has experienced persistent, multi-year drought conditions recognized with the signing of Executive Order 11-2021 in July 2021;

WHEREAS, the lack of moisture and extreme heat over six consecutive summers has severely depleted rangeland capacity and reduced hay or forage production in many regions across Montana, forcing Montana livestock producers to purchase significantly more hay or forage;

WHEREAS, ongoing drought conditions have resulted in an economic hardship for Montana livestock producers;

WHEREAS, sustained drought conditions have impacted forage production and threatened the ability for farmers and ranchers to get hay or forage necessary to support continued livestock operations;

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 the emergency; and

WHEREAS, relieving the "hours of service" requirement for commercial motor carrier vehicles in Montana will assist farmers and ranchers by facilitating and expediting the delivery of hay or forage.

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 MCA 10-3-103 and 10-3-303 that an emergency exists in the State of Montana, and order as follows:

1. In accordance with the MCA 61-10-154, A.R.M. 18.8.1502 and Federal Motor Carrier Safety Administration ("FMCSA") Title 49 C.F.R. 390.23(b), 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 15 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. The requirement for temporary registration and temporary fuel permits normally required under A.R.M. 18.8.422 for commercial vehicles while providing direct assistance is temporarily suspended.
5. Vehicles operating in excess of legal size and weight shall require oversize/overweight permits. In accordance with MCA § 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 MCA § 61-10-111 and other applicable statutes do hereby exempt applicable vehicles in Montana from the 10 percent limits of MCA § 61-10-144(2) and authorize the operation of vehicles on non-interstate highways without incurring excess weight penalties under MCA § 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 20 percent provided that the manufacturer's rated capacity for the vehicle, axles, or tires is not exceeded. Vehicles must comply with load posted roads and bridges unless otherwise specifically authorized.
7. All other applicable state and federal regulations shall continue to apply.

This Order is effective August 31, 2026, and will end on September 13, 2026.

GIVEN under my hand and the GREAT SEAL of the State of Montana this 31 day of August, 2026.

GREG GIANFORTE, Governor

ATTEST:

CHRISTI JACOBSEN, Secretary of State