

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 1-2025**

**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**

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

WHEREAS, cascading effects of unrest and sanctions in the Middle East and Russia and severe 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 lack 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 for farmers to get in the fields in adequate time for planting and crop emergence, having a potential \$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 the emergency; and

WHEREAS, relieving "hours of service" requirement for commercial motor carrier vehicles in Montana 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 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 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. The requirement for temporary registration and temporary fuel permits pursuant to 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 farm vehicles in Montana from the 20 percent limits of MCA § 61-10-144(3) 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 30 percent.
7. All other applicable state and federal regulations shall continue to apply.

This Order is effective April 15, 2025, and will end on April 29, 2025.

GIVEN under my hand and the GREAT SEAL of
the State of Montana this 14th day of
April, 2025.

(SEAL)



GREG GIANFORTE, Governor

ATTEST:

CHRISTI JACOBSEN, Secretary of State