

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER No. 2-2024**

**EXECUTIVE ORDER DECLARING THAT CURRENT CONDITIONS ARE CAUSING
AN EMERGENCY TO EXIST STATEWIDE IN MONTANA**

WHEREAS, Montanans face continued harsh winter weather conditions that have caused significant impacts to Montana communities such as power outages, frozen water supply lines, loss of heat, ice jams, and supply chain disruption;

WHEREAS, recent historic low temperatures and ongoing conditions have caused an increased short-term demand for propane and heating oil and necessitate the timely delivery of these products by commercial delivery trucks;

WHEREAS, extreme regional weather conditions have disrupted heating fuel supply and distribution networks, resulting in delays to bulk fuel deliveries and extended wait times for fuel truck delivery drivers at distribution terminals;

WHEREAS, these shortages and delays are resulting in reduced availability of residential heating fuel, threatening the health, property, and welfare of Montanans, and warranting the declaration of a short-term energy emergency;

WHEREAS, these continued winter weather conditions over the next few weeks will likely produce cascading effects such as flooding, road and bridge closures, water and power system disruptions, and continued impacts on the availability and delivery of heating fuel products as well as the health and safety of Montanans;

WHEREAS, under Titles 10 and 90, MCA, the Governor may suspend the provisions of any 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” requirements for commercial motor carrier vehicles in Montana, provided for in § 61-10-154, MCA, and A.R.M. § 18.8.1502, will assist Montanans by facilitating and expediting the distribution of petroleum 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 declare that a state of energy emergency exists in Montana, as defined in Mont. Code Ann. § 90-4-302, and meet the purpose pursuant to 49 CFR part 390.23 of facilitating a waiver to the U.S. Department of Transportation, Federal Motor Carrier Safety Regulations, specifically 49 CFR part 395.3, maximum drive time for property-carrying vehicles, 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)(1), 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 the purpose of hauling residential heating fuels for a period of 14 days from the date of execution unless otherwise terminated or extended. In accordance with 49 C.F.R § 390.5 definitions, residential heating fuel includes heating oil, natural gas, and propane (also known as Liquefied Petroleum Gas or Petroleum Gas, Liquefied).

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 vehicles in Montana from the 10 percent limits of Mont. Code Ann. § 61-10-144(2) 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 20 percent.
7. All other applicable state and federal regulations shall continue to apply.

This Order is effective January 19, 2024, and expires on February 1, 2024.


GIVEN under my hand and the GREAT SEAL of
the State of Montana this 19th day of
January, 2024.





GREG GIANFORTE, Governor

ATTEST:



CHRISTI JACOBSEN, Secretary of State