

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 9-2021**

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

WHEREAS, the people of Montana are faced with an early and severe fire season and limited drivers' hours for wildland fire suppression;

WHEREAS, these conditions have caused an increased short-term demand for aviation fuel and necessitate the timely delivery of these products by commercial delivery trucks;

WHEREAS, deliveries to airports and tankers bases are critically low to keep up with the demand of aerial assists;

WHEREAS, these shortages and delays may threaten the health, property, and welfare of Montanans, warranting the declaration of a short-term energy emergency;

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 § 90-4-302, MCA, and order as follows:

In accordance with the A.R.M. 18.8.1502 and FMCSA Title 49 C.F.R. § 390.23(a)(1)(i), Title 49 C.F.R §§ 390-399 are hereby suspended for motor carriers and persons operating commercial vehicles while providing support to fire suppression activities.

All other applicable state and federal regulations shall continue to apply, including but not limited to: Title 49 C.F.R. Part 382, Controlled Substances and Alcohol Use and Testing; and Title 49 C.F.R. Part 383 Commercial Driver's License Standards; the federal Minimum Levels of Financial Responsibility (insurance requirements) Title 49 C.F.R. Part 387; and adherence

to the regulations governing the Transportation of Hazardous Materials as provided Title 49 C.F.R. 397 and C.F.R. Parts: 107, 171-173, 177, 178 and 180.

A temporary suspension of temporary registration and temporary fuel permits normally required under A.R.M. 18.8.422 for commercial vehicles while providing support to fire suppression activities.

Vehicles operating in excess of legal size and weight shall require oversize/overweight permits. A temporary suspension of A.R.M. 18.8.509 to allow weekend, nighttime, and holiday travel statewide for over-dimensional and overweight vehicles while providing support to fire suppression activities; during nighttime hours on non-interstate highways, loads exceeding 10 feet wide will need a flag vehicle in the front of the load.

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 ten consecutive hours before the driver is required to return to service.

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.

In accordance with § 61-10-111, MCA, and other applicable statutes do hereby exempt applicable vehicles in Montana from the 10 percent limits of § 61-10-144(2), MCA, and authorize the operation of vehicles on non-interstate highways without incurring excess weight penalties under § 61-10-145, MCA, if the total gross weight of the combination of vehicles does not exceed allowable weight limitations by more than 20 percent for each axle.

This Order is effective June 15, 2021 and expires on September 30, 2021.



GIVEN under my hand and the GREAT SEAL of the State of Montana this 18th day of June, 2021.


GREG GIANFORTE, Governor

ATTEST:


CHRISTI JACOBSEN, Secretary of State