STATE OF MINNESOTA

EXECUTIVE DEPARTMENT

MARK DAYTON
GOVERNOR

Emergency Executive Order 11-23

Declaring an Emergency and Providing for Relief from Regulations to Motor Carriers and Drivers Operating in Minnesota

I, Mark Dayton, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, including Minnesota Statutes, chapter 12 and section 221.0269, do hereby issue this Emergency Executive Order:

Whereas, the extremely hot weather has caused a significant increase in the amount of fuel required for the operation of stand-by generators located in the state; and

Whereas, there is an immediate need for the continued, timely delivery of adequate amounts of fuel to facilities located in the state, including but not limited to, hospitals, clinics, and data storage facilities; and

Whereas, continued, timely delivery of adequate amounts of fuel is essential for the maintenance and continued operation of numerous facilities in the state, to provide critical medical care, and to maintain Minnesota's quality of life; and

Whereas, continued, timely delivery of adequate amounts of fuel is essential and necessary to protect the residents of Minnesota from imminent threats to their health and safety; and

Whereas, emergency assistance of motor carriers is needed to transport fuel and related supplies to affected areas of state;

Now, Therefore, I hereby order that an emergency condition exists and order that:

1. Carriers or drivers of commercial motor vehicles transporting fuel to provide direct assistance for emergency relief are exempted from the regulations incorporated in Minnesota Statutes, section 221.0314, subdivision 9, pertaining to hours of service for carriers and drivers of commercial motor vehicles.

2. Nothing in this order relieves motor carriers and drivers from regulations pertaining to driver qualifications; driving of commercial motor vehicles; commercial drivers' licenses; drug and alcohol testing for drivers; or equipment, parts, and accessories necessary for the safe operation of vehicles.

3. No motor carrier operating under terms of this emergency order shall require or allow an ill or fatigued driver to operate a commercial motor vehicle. Any driver who informs a carrier that he or she needs immediate rest shall be given at least ten consecutive off-duty hours before the driver is required to return to service.

4. No driver operating under terms of this emergency order shall operate a commercial motor vehicle while fatigued or ill. Fatigued drivers shall take at least ten hours off-duty before returning to service.

5. Upon the expiration of this emergency order, or when a driver or carrier ceases to provide direct assistance to the emergency relief effort, a driver that has had at least thirty-four consecutive hours off-duty must be permitted to start his or her on-duty status hours and 60/70-hour clock at zero.

Under Minnesota Statutes, section 4.035, subdivision 2, this emergency order is effective immediately and must be filed with the Secretary of State and published in the State Register as soon as possible after its issuance. This order of relief from regulations to motor carriers and drivers remains in effect until the commercial motor carrier or driver ceases direct assistance in providing emergency relief, or 5 days, whichever occurs first. For purposes of this order, direct assistance is defined in Minnesota Statutes, section 221.0269, subdivision 3, paragraph (c). This order may be extended in accordance with Minnesota Statutes, section 221.0269, subdivision 2.

In Testimony Whereof, I have set my hand on July 21, 2011.

Mark Dayton
Governor

Filed According to Law:

Mark Ritchie
Secretary of State

FILED
JUL 2011
(MN) SECRETARY OF STATE
Mark Ritchie