

STATE OF MINNESOTA

EXECUTIVE DEPARTMENT



MARK DAYTON
GOVERNOR

Emergency Executive Order 13-11

Providing for Relief from Regulations to Motor Carriers and Drivers Operating in the State of Minnesota

I, Mark Dayton, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

Whereas, due to the late maturing of the corn crop in Minnesota and across the upper Midwest, the propane industry is experiencing a distribution network shortage across the region; causing supply companies to curtail crop drying deliveries to enable service to rural residential accounts; and

Whereas, Minnesota propane terminal shortages are particularly acute, causing drivers to travel to other states to secure product; and

Whereas, long lines at terminals throughout the area coupled with extensive driving distances have caused drivers to deplete available duty hours in accordance with Federal Motor Carrier Safety Regulations; and

Whereas, the emergency assistance of motor carriers and qualified hazardous materials drivers is needed to transport propane and anhydrous ammonia and to provide direct assistance for emergency relief efforts;

Now, Therefore, I hereby declare that:

1. A state of emergency exists in Minnesota that requires relief from regulations incorporated in Minnesota Statutes, section 221.0314, subdivision 9, pertaining to hours of service for carriers and drivers of motor vehicles providing direct assistance in emergency relief efforts.
2. Motor carriers and drivers transporting propane and anhydrous ammonia to affected areas of the state and providing direct assistance for emergency relief efforts, are exempted from the regulations incorporated in Minnesota Statutes, section 221.0314, subdivision 9, pertaining to hours of service.
3. Nothing in this order shall be construed to relieve motor carriers and drivers transporting supplies and materials and providing direct assistance for emergency relief efforts 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.
4. No motor carrier operating under the terms of this order shall require or allow an ill or fatigued driver to operate a 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.
5. Upon the expiration of this 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.

Pursuant to Minnesota Statutes, section 4.035, subdivision 2, this Emergency Executive 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. Emergency relief from regulations for motor carriers and drivers transporting propane and anhydrous ammonia to affected areas of the state, remains in effect for 14 days from the date of the initial declaration of the emergency, or until the commercial motor carrier or driver ceases direct assistance in providing emergency relief, whichever occurs first. For purposes of this Emergency Executive Order, direct assistance is defined in Minnesota Statutes, section 221.0269, subdivision 3, paragraph (c). This Emergency Executive Order may be extended in accordance with Minnesota Statutes, section 221.0269, subdivision 2.

In Testimony Whereof, I have set my hand on this 23rd day of October, 2013.

A handwritten signature in black ink, appearing to read "Mark Dayton", written over a horizontal line.

Mark Dayton
Governor

Filed According to Law

A handwritten signature in blue ink, appearing to read "Mark Ritchie", written over a horizontal line.

Mark Ritchie
Secretary of State