

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



MIKE COONEY
LT. GOVERNOR

TO: Montanans; all officers and agencies of the State of Montana
FROM: Governor Steve Bullock
DATE: March 26, 2020
RE: Directive Implementing Executive Orders 2-2020 and 3-2020 and providing for relief of certain regulatory requirements

Executive Orders 2-2020 and 3-2020 declare that a state of emergency exists in Montana due to the global outbreak of COVID-19 Novel Coronavirus.

Section 10-3-104(2)(a), MCA, authorizes the Governor, during a state of emergency, to “suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or orders or rules of any state agency if the strict compliance with the provisions of any statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster.”

Under § 61-10-111, MCA, the Governor may also, under an executive order, exempt vehicles from certain size and weight limits for a specified, limited period of time during emergency circumstances, including conditions brought about by emergency circumstances for which the movement of vehicles that may exceed size and weight limits is necessary for responding to the event or occurrence.

COVID-19 has made assuring continued and reliable trucking of needed inputs and supplies for the people of Montana of vital importance. As the people of Montana pull together to protect one another by engaging in social distancing, good hygiene, and changes to our daily life maintaining our food and medical transport pipeline requires some regulatory flexibility. Further, in this time of statewide emergency, delays to farm input deliveries may threaten the ability for farmers to get in the fields in adequate time for planting and/or the farmers ability to deal with a crop emergence. Delays in feed and hay shipments cause unneeded lost animals under to ranchers. And delays in the supply chain cause unneeded stress to the ability of grocery stores, farmers, ranchers, and hospitals to provide critical services.

Futher, the U.S. Department of Transportation, Federal Motor Carrier Safety Administration added Montana to its emergency declaration, which exempts motor carriers providing direct assistance to the drought from Parts 390 through 399 of Title 49, Code of Federal Regulations; the exemption is in effect until the end of the emergency;

For these reasons, I have determined that 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, is necessary to respond to the emergency. Supplies delivered by commercial vehicles are in great demand and this will help Montanans by reducing restrictions on providing emergency relief response to the nationwide coronavirus (COVID 19) outbreak.

In accordance with the authority vested in me under the Constitution, Article VI, Sections 4 and 13, and the laws of the State of Montana, Title 10, Chapter 3 and Title 50, Chapter 1, MCA, and other

applicable provisions of the Constitution and Montana Law, I hereby direct the following measures be in place in the State of Montana effective immediately:

Increased capacity for transporting food, medical supplies, farm inputs, and other items

- The “hours of service” and associated ELD regulations, as provided in A.R.M § 18.8.1502 (incorporating by reference 49 C.F.R. part 395), are temporarily suspended under § 61-10-111, MCA, as those regulations apply to drivers of commercial motor vehicles while transporting of farm inputs, food, feed/hay, and medical supplies.
 - A 10% increase in legal weight for commercial vehicles is permitted to provide supplies to help support response to the emergency. This Directive will suffice as the special permit needed for the increase in weight.
 - The weight increase does not apply to non-interstate load posted bridges and roads.
- Nothing in this Directive shall be construed to waive or suspend any other state or federal regulation pertaining to commercial motor carriers and commercial driver license requirements or to relieve carriers and commercial drivers from operating their commercial motor vehicles in a safe and prudent manner.
- Commercial motor vehicle carriers, while under this Directive, shall not require or allow fatigued drivers to operate a motor vehicle.
- Notwithstanding any other provision of this Directive, if a driver informs a carrier that the driver needs immediate rest, the “hours of service” requirements, enacted in § 61-10-154, MCA, and implementing regulations, A.R.M. § 18.8.1502, must be followed.
- The Montana Department of Transportation is directed to:
 - Continue and support the Federal Motor Carrier Safety Administration “hour of service waiver.”
 - Waive temporary registration and temporary fuel permits for vehicle providing supplies to help support response to the emergency.
 - Honor other jurisdictions request to suspend enforcement of the licensing and registration requirements for the International Fuel Tax Agreement (IFTA) and the International Registration Plan (IRP) for vehicle providing supplies to help support response to the emergency.
 - Request other jurisdictions temporarily suspend enforcement on Montana based carriers licensing and registration requirements for the International Fuel Tax Agreement (IFTA) and the International Registration Plan (IRP) for vehicles providing supplies to help support the emergency.

Authorities: Section 10-3-104, MCA; § 61-10-154, MCA; Executive Orders 2-2020 and 3-2020; Montana Constitution, Art. VI, Sections 4 and 13; §§ 10-3-103, -302, and -305, MCA; and all other applicable provisions of state and federal law.

Limitations

- This Directive is effective immediately and expires at the end of the declared state of emergency in Executive Orders 2-2020 and 3-2020.
- This Directive shall be implemented consistent with applicable law and subject to the availability of appropriations.

- This Directive is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of Montana, its departments, agencies, or entities, its officers, employees, or agents, or any other person.