

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2017-01

**EXECUTIVE ORDER DECLARING A STATE OF ENERGY EMERGENCY
AND TEMPORARILY EXEMPTING CERTAIN CARRIERS FROM HOURS OF SERVICE REGULATIONS
UNDER IDAHO LAW TO HELP MEET FUEL DEMANDS**

WHEREAS, the people of Idaho are faced with continued extremely harsh winter conditions; and

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

WHEREAS, limited petroleum production in Idaho has disrupted the ability of industry to provide consistent and timely availability of fuel stocks to bulk distributors, causing delay in the loading and transport times of these supplies by commercial delivery trucks; and

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

WHEREAS, under IDAPA 11.13.01.009, the Governor, via the Idaho State Police, 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 upon a declaration of emergency by the Governor; and

WHEREAS, relieving "hours of service" requirements for commercial motor carrier vehicles in Idaho, provided for in Idaho Code § 67-2901B and IDAPA 3.01.004.03, will assist Idahoans by facilitating and expediting the distribution of petroleum products;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me under the Constitution and the laws of the State of Idaho, do hereby declare that a state of energy emergency exists in Idaho, as defined in IDAPA 11.13.01.009, and order as follows:

- 1. A temporary suspension of "hours of service" regulations, as provided in Idaho Code § 67-2901B (incorporating by reference IDAPA 11.13.01.004.03, which, in turn, incorporates by reference 49 C.F.R. part 395), as they apply to drivers of commercial motor vehicles while transporting fuel.*
- 2. This order pertains only to carriers actively involved in transporting any flammable or liquid gas, such as propane, heating fuel, and diesel fuel used specifically in the heating of homes.*
- 3. Nothing in this Order 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.*
- 4. Commercial motor vehicle carriers, while under this Order, shall not require or allow fatigued drivers to operate a motor vehicle.*
- 5. Notwithstanding any other provision of this Order, if a driver informs a carrier that the driver needs immediate rest, the "hours of service" requirements, enacted in Idaho Code § 67-2901(B), must be followed.*

The Executive Order is effective January 4, 2017 and expires on, January 27, 2017.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 4th day of January, in the year of our Lord two thousand and seventeen and of the Independence of the United States of America the two hundred forty-first and of the Statehood of Idaho the one hundred twenty-seventh.

Handwritten signature of C.L. "Butch" Otter in blue ink.

C.L. "BUTCH" OTTER
GOVERNOR

Handwritten signature of Lawrence Denney in black ink.

LAWRENCE DENNEY
SECRETARY OF STATE