STATE of MINNESOTA

EXECUTIVE DEPARTMENT

TIM PAWLENTY
GOVERNOR

EMERGENCY EXECUTIVE ORDER 07-13

PROVIDING FOR EMERGENCY RELIEF FROM
REGULATIONS TO MOTOR CARRIERS
OPERATING IN MINNESOTA

I, TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and Minnesota Statutes 2006, Section 221.0269, do hereby issue this Emergency Executive Order:

WHEREAS, flooding, lightning strikes and other unanticipated problems at refineries in other states have disrupted the normal supply of gasoline and diesel fuels in Minnesota; and

WHEREAS, many motor fuel terminals outside of the seven county metropolitan area are experiencing difficulties in obtaining their normal supply of gasoline and have been intermittently shut down for periods of time; and

WHEREAS, the motor fuel terminals are part of the distribution chain and gasoline from the terminals is pumped into trucks for delivery to local gas stations across Greater Minnesota; and

WHEREAS, many commercial motor carriers who haul motor fuels are experiencing significant delays at the terminals before they are able to fill their trucks, and/or are needing to obtain motor fuels from alternative terminals that are a significant distance from their delivery area; and

WHEREAS, because drivers are obtaining motor fuels at alternative terminals, there are long lines and delays at motor fuel terminals across the state; and

WHEREAS, Labor Day weekend is one of the peak travel times within Minnesota and relief is needed to ensure that local gas stations are able to obtain motor fuels for Minnesota consumers to ensure that consumers living and traveling in Greater Minnesota are not stranded without adequate access to necessary motor fuels; and

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WHEREAS, the upcoming harvest season is one of the peak times for consumption of diesel fuel in the state and relief is need to ensure that farmers have reliable supplies of diesel fuel to harvest crops.

NOW, THEREFORE, I hereby declare that:

1. An emergency exists in Minnesota that requires relief from regulations incorporated in Minnesota Statutes 2006, Section 221.0314, Subdivision 9, pertaining to hours of service for carriers and drivers of commercial motor vehicles while in the process of obtaining and transporting motor fuels.

2. Nothing herein shall be construed to relieve motor carriers and drivers from regulations pertaining to qualifications of drivers, driving of commercial motor vehicles, commercial drivers' licenses, drug and alcohol testing and use or financial responsibility.

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

4. Upon the expiration of the effective date 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, shall be permitted to start his or her on-duty status hours and 60/70 hour clock at zero.

This order shall be effective immediately and shall remain in effect for 30 days or until the commercial motor carrier or driver ceases direct assistance in providing emergency relief, whichever occurs earlier. For purposes of this order, direct assistance is defined in Minnesota Statutes 2006, Section 221.0269, Subdivision 3(c). This order may be extended in accordance with Minnesota Statutes 2006, Section 221.0269, Subdivision 2.

IN TESTIMONY WHEREOF, I have set my hand this 31st day of August, 2007.

TIM PAWLENTY
Governor

Filed According to Law:

MARK RITCHIE
Secretary of State

FILED

(MN) SECRETARY
OF STATE