STATE OF INDIANA

EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER 21-04

FOR: WAIVER OF HOURS OF SERVICE REGULATIONS RELATING TO MOTOR CARRIERS AND DRIVERS TRANSPORTING PROPANE GAS

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, approximately 500,000 Hoosiers depend upon propane gas to heat their homes, businesses, schools, public buildings, and it is also used for public transportation;

WHEREAS, the State of Indiana and many of the surrounding states are currently experiencing an extended period of extremely cold weather, which has resulted in an increased demand for propane gas;

WHEREAS, distributors of propane in our State are already beginning to experience shortages in supply, long lines at terminals, and related transportation challenges;

WHEREAS, the suspension of certain hours of service regulations for the drivers of commercial motor vehicles transporting propane gas in our State will help ensure that adequate supplies are distributed throughout Indiana, thereby reducing the damaging effects of any shortages;

WHEREAS, drivers of commercial motor vehicles, including those who transport and deliver propane gas, are statutorily limited in the number of hours they may operate in any given day pursuant to 49 C.F.R. § 395 of the Federal Motor Carrier Safety Regulations, incorporated by reference into Indiana statute under Ind. Code § 8-2.1-24-18;

WHEREAS, applicable federal regulations include 49 C.F.R. Parts 390–399, which allow for an exemption to be issued in connection herewith;

WHEREAS, other states have recently declared emergencies in connection with extremely cold weather, and have issued such exemptions as allowed by federal and state laws;

WHEREAS, under Ind. Code § 10-14-3-12, the Governor may suspend the provisions of any regulatory statute prescribing procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any of the provisions would in any way prevent, hinder, or delay necessary action in coping with an emergency; and

WHEREAS, in light of the above, and for the benefit of our State and its people, it is necessary and appropriate to assist with and expedite all efforts of transportation of propane gas throughout the State of Indiana;

NOW, THEREFORE, I, **Eric J. Holcomb,** by virtue of the authority vested in me as Governor of the State of Indiana, pursuant to Ind. Code § 10-14-3-12, do hereby declare that an emergency exists and order that:

1. Motor carriers and drivers transporting propane in Indiana during this emergency shall be exempt from regulations restricting their hours of service under 49 C.F.R. § 395, incorporated by reference into Ind. Code § 8-2.1-24-18. This exemption shall be effective from the date of the issuance of this directive through February 28, 2021, unless it is terminated or further extended by order of the Governor.

2. Nothing contained in this declaration shall be construed as an exemption for any portion of the Motor Carrier Safety Regulations other than those regulating hours of service.

IN TESTIMONY WHEREOF, I, Eric J. Holcomb, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, on this 11th day of February, 2021.

Eric Holcomb

Eric J. Holcomb
Governor of Indiana

ATTEST: Connie Lawson
Secretary of State