JAY INSLEE
Governor

STATE OF WASHINGTON
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**PROCLAMATION BY THE GOVERNOR**
**AMENDING PROCLAMATION 20-05**

**20-22**
**Truck Driver Hours**

**WHEREAS**, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

**WHEREAS,** as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, and 20-21, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

**WHEREAS,** the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

**WHEREAS,** the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

**WHEREAS**, the Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

**WHEREAS**, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

**WHEREAS**, the President of the United States issued an Emergency Declaration on March 13, 2020, pursuant to 42 U.S.C. 5121, *et seq*., and pursuant to 49 CFR 390.23(a)(l)(i), declared that an emergency exists that warrants an exemption from application of the driver hours of service rules in Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs), to include 49 CFR § 395 that has been adopted in Washington State pursuant to RCW 46.32.020 and WAC 446-65-010. The emergency declaration was issued in response to the COVID-19 pandemic and its effects on people and the immediate risk its presents to public health, safety and welfare in the 50 States and the District of Columbia.

**WHEREAS,** it is essential to public health and safety to maintain a steady supply of grocery, medical, pharmaceutical, and fuel commodities available to the public, and it is anticipated that the numbers of commercial drivers available to transport commodities will be reduced by the spread of the virus which will prevent or delay such deliveries around the state; and

**WHEREAS,** there are national shortages in the supply chain and the production of goods, including food and other groceries, and the transportation industry is experiencing driver shortages, which is expected to increase with the closure of schools and the unavailability of childcare, and there has been a dramatic increase in the demand for groceries resulting in local shortages in Washington State.

**NOW, THEREFORE,** I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to provide for certain exemptions from driver hours of service rules, as provided herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

**I ALSO HEREBY FIND,** based on the above situation, and to clarify application of the March 13, 2020, Presidential Emergency Declaration to Washington State, that motor carriers and drivers of commercial motor vehicles collecting or delivering essential food and emergency supplies in Washington State for the following purposes are providing emergency relief during an emergency under 49 CFR § 390.23 and, therefore, are exempt from application of the driver hours of service rules in 49 CFR § 395, adopted pursuant to RCW 46.32.020 and WAC 446-65-010, until midnight on April 17, 2020:

1. Grocery purposes, including but not limited to pet food and supplies;
2. Medical supplies and equipment;
3. Pharmaceuticals; or
4. Petroleum fuels, other liquid fuels, natural or synthetic fuel gas, solid carbonaceous fuels, and electricity and natural gas system equipment components, including but not limited to, fissionable nuclear material.

**FURTHERMORE**, under the provisions of RCW 43.06.220(1)(h), to preserve and maintain life, health, property or public peace, I also hereby impose temporary restrictions on motor carriers and drivers of commercial motor vehicles identified above as being exempt from application of the driver hours of service rules in Washington State by prohibiting application of this exemption as follows:

1. Motor carriers are prohibited from operating under the terms of this exemption if either of the following conditions exist:
    a. They have an out-of-service order in effect; or
    b. They do not possess a current safety rating of "Satisfactory" or better assigned by the Federal Motor Carrier Safety Administration or the state in which the motor carrier has its principal place of business.

2. Motor carriers I have not prohibited from operating under the terms of this exemption are prohibited from:
    a. Requiring or permitting a fatigued or ill driver to operate a commercial motor vehicle; and
    b. Requiring or permitting a driver to operate a commercial motor vehicle after the driver has informed the carrier (verbally or in writing) that he or she needs immediate rest, unless the driver has first received at least 10 consecutive hours off-duty documented in writing by the motor carrier; and
    c. Requiring or permitting a driver to operate a commercial motor vehicle after the driver has been on duty for more than 96 hours in any eight consecutive days, unless the driver has first received at least 34 consecutive hours off-duty documented in writing by the motor carrier.

I ask the motor carriers for the above-listed purposes to use their best judgment in operating under this exemption in a manner that ensures public health and safety. Drivers operating under this exemption should carry a copy of this Proclamation.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 18th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State