

STATE OF INDIANA

EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER _____
09-09

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

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, the early heavy rains hampered the planting of Indiana's crops and the late planting is demanding crop drier gas in quantities not experienced in ten years;

WHEREAS, propane gas delivery trucks are extremely strained to keep up the demand for crop drier gas and the emerging annual demand for home heating propane gas;

WHEREAS, under IC 8-2.1-24-18, the "hours of service" requirements of 49 C.F.R. § 395 apply to the drivers of commercial motor vehicles operating in this state;

WHEREAS, the Indiana Propane Gas Association has requested relief from the "hours of service" regulations for motor carriers operating in intrastate commerce, set forth in IC 8-2.1-24-18, to allow the propane marketers across the state to meet the required deliveries; and

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

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., by virtue of the authority vested in me as Governor of the State of Indiana, pursuant to IC 10-14-3-12, do hereby declare that a disaster emergency exists and order that:

1. Motor carriers and drivers transporting propane in Indiana are exempt from regulations restricting their hours of service during this disaster emergency. This exemption is effective from the time of the issuance of this Order until November 22, 2009, unless further extended by order of the Governor.
2. Nothing contained in this declaration shall be construed as an exemption from any portion of the Motor Carrier Safety Regulations other than those regulating hours of service.



Todd Rokita

ATTEST: Todd Rokita
Secretary of State

IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 12th day of November, 2009.

M E Daniels, Jr.
Mitchell E. Daniels, Jr.
Governor of Indiana