

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER No. 8-2020**

**EXECUTIVE ORDER DECLARING THAT THE CURRENT FIRE CONDITIONS ARE
CAUSING AN EMERGENCY TO EXIST STATEWIDE IN THE STATE OF MONTANA**

WHEREAS, extremely hazardous wildland fire conditions currently exist throughout the State of Montana as a result of many factors including above-average temperatures, unpredictable winds, and low humidity;

WHEREAS, moderate to severe drought conditions continue to exist throughout most of the Central and Eastern portions of Montana;

WHEREAS, numerous wildland fires have occurred and continue to ignite in the State of Montana;

WHEREAS, the hot and abnormally dry conditions are predicted to continue through the middle of September, and, under current conditions, new wildland fire starts are likely throughout the State of Montana;

WHEREAS, these conditions have caused an increased demand for aviation fuel and other fire suppression resources, which necessitates increased driver hours to meet the demand;

WHEREAS, shortages in driver hours could threaten the health, property, and welfare of Montanans, given the urgent demand for fire suppression resources;

WHEREAS, in the past, an aggressive initial attack on all wildland fire starts has been the top priority of Montana's fire fighting forces;

WHEREAS, continued aggressive initial attacks on all future wildland fire starts as well as continued deployment of firefighting resources are needed to reduce the number of large wildland fires, which in turn protects lives and significantly reduces the damage to both public and private property in the state;

WHEREAS, coping with wildland fires necessitates the suspension of certain brand inspection permitting fees and related requirements in order to make more efficient the evacuation of livestock from areas threatened by wildland fires; and

WHEREAS, under current conditions, pursuant to §§ 10-3-302; 10-3-311; and 10-3-312, MCA, the Governor may mobilize state resources and the Montana National Guard to protect life, health, and property and may expend funds to meet contingencies and needs that may arise from the emergency.

NOW, THEREFORE, I, Steve Bullock, Governor of the State of Montana, pursuant to the authority vested in me under the Constitution and the laws of the State of Montana, do hereby declare that a state of emergency exists in Montana as defined in § 10-3-103 and § 10-3-302, MCA, and therefore order as follows:

I. Hours of Service Regulations

1. A temporary suspension of “hours of service” regulations, as provided in A.R.M. 18.8.1502 (incorporating by reference 49 C.F.R. parts 390 through 399), as they apply to drivers of commercial vehicles while providing support to fire suppression activities.
2. A temporary suspension of temporary registration and temporary fuel permits normally required under A.R.M. 18.8.422 for vehicles providing supplies to help support response to the emergency.
3. A temporary suspension of A.R.M. 18.8.509 to allow weekend, nighttime, and holiday travel statewide for over-dimensional and overweight vehicles providing support for the fires; during nighttime hours on non-interstate highways, loads exceeding 10 feet wide will need a flag vehicle in the front and rear of the load.
4. 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.
5. Commercial motor vehicle carriers, while under this Order, shall not require or allow fatigued drivers to operate a motor vehicle.
6. 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 § 61-10-154, MCA, and implementing regulations, A.R.M. § 18.8.1502, must be followed.

II. Brand Inspection Requirements

1. A temporary suspension of the brand inspection permit fee requirement in § 81-3-205, MCA, and in § 81-3-211(7), MCA, as well as of the brand inspection requirement prior to removal in § 81-3-211(2), MCA, but still requiring a transportation permit prior to removal and a brand inspection at the point of destination.
2. The Montana Department of Livestock may issue transportation permits by telephone when necessary to cope with the emergency.

This Order is effective immediately.

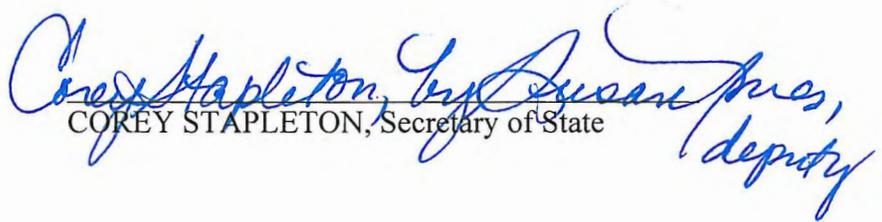


GIVEN under my hand and the GREAT SEAL of
the State of Montana this 3rd day of
September, 2020.



STEVE BULLOCK, Governor

ATTEST:


COREY STAPLETON, Secretary of State
deputy