**DRAFT WAIVER OF SELECT MOTOR CARRIER SAFETY REGULATIONS**

**Executive Order [insert number and year]**

**State of [Energy] Emergency [or Disaster]**

**Waiver of Select Regulations Covering Motor Carriers and Drivers**

**Transporting [insert fuels covered by the order, e.g., gasoline, diesel fuel, propane, Number 2 home heating oil, etc.]**

WHEREAS, [insert citation to legal authorities that give the governor the authority to take the actions contained in the order];

WHEREAS, [insert a brief description of the event(s) that have required this action]; and

WHEREAS, [insert a brief description of the consequences and impacts of the event(s)]; and

WHEREAS, it is in the best interests of the State of [insert name] to provide for the safe transportation of petroleum products within this State, and to assure that petroleum product supplies will remain sufficient to protect the health, safety, and economic well‐being of the State’s residents and visitors; and

WHEREAS, this declaration of emergency [disaster] is recognized by the Federal Motor Carrier Safety Administration (FMCSA) to cause and to place into immediate effect relief from Federal Motor Carrier Safety Regulations contained in 49 CFR Parts 390‐399; and [if applicable, insert any corresponding or equivalent reference in state law].

WHEREAS, all of the safety regulations contained in 49 CFR Parts 390‐399 are waived, including Driver Hours of Service; however, motor carriers are encouraged to comply with the safety regulations that do not otherwise restrict or impede their ability to assist in the recovery effort in the area for which an emergency has been declared.

NOW, THEREFORE, I, [insert governor’s name], Governor of the State of [insert state name], by virtue of the power and authority vested in the Governor by [insert legal reference to authorities], order the following:

1. A State of [Energy] Emergency [Disaster] is declared in the State of [insert state name] for [insert the names of the counties in which this declaration applies or specify that it is a statewide declaration].
2. Relief from Federal Motor Carrier Safety Regulations contained in 49 CFR Parts 390‐399; and [if applicable, insert any corresponding or equivalent reference in state law as may be needed].
3. This order applies only to [insert fuels to be covered by this order, e.g., gasoline, diesel fuel, Number 2 home heating oil, propane, biofuels, etc.]. No other petroleum products or other fuels are covered by the exemption and suspension under this Order.
4. The relief from these regulations shall remain in effect for the duration of the emergency or thirty (30) days, whichever is less. Only the FMCSA Field Administrator can extend the thirty (30) day limit for an extension of relief from the federal safety regulations.
5. Nothing in this Order shall be construed as an exemption from applicable controlled substances and alcohol use and testing requirements (49 CFR Part 382 and [insert applicable state statute, order, and/or rule]), the commercial driver's license requirements (49 CFR Part 383 and [insert applicable state statute, order, and/or rule]), the financial responsibility requirements (49 CFR Part 387 and [insert applicable state statute, order, and/or rule]), applicable size and weight requirements, or any portion of federal and State regulations not specifically identified.
6. Motor carriers or drivers currently subject to an out‐of‐service order are not eligible for the exemption and suspension until the out‐of‐service order expires or the conditions for rescission have been satisfied.

Governor: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [Insert location]

File with [insert name of the state office, department, or legislative body with which the order may need to be filed]