

JAN 28 2000

EXECUTIVE ORDER

00-03


SECRETARY OF STATE

WHEREAS, the recent period of extremely cold temperatures, and adverse winter weather conditions have increased the necessity and public demand for propane (also known as liquefied petroleum gas or LP gas) within this state; and

WHEREAS, this period of inclement weather has made it unusually difficult for commercial transporters of propane to make consistent and timely deliveries of propane by motor vehicles on the public highways in Missouri, which are needed to supply the public demand for propane; and

WHEREAS, the safety and welfare of the inhabitants of this state require that motor carriers for hire and private carriers by motor vehicles which are transporting propane be allowed more rapid and efficient travel to meet this public demand for propane within the state; and

WHEREAS, this requirement for more rapid and efficient transportation would be facilitated by the temporary suspension of certain usual and necessary regulator limitations on the hours of service of drivers of commercial motor vehicles while transporting propane during this period; and

WHEREAS, the Field Administrator of the Federal Motor Carrier Safety Administration's Midwestern Service Center, which includes the State of Missouri, has declared a regional emergency pertaining to the transportation of propane, as a result of extreme weather conditions, shortages and interruptions in the availability and/or delivery of propane at various locations within this state, and has granted relief from the requirements of 49 C.F.R. Section 395.3 of the Federal Motor Carrier Safety Regulations for motor carriers while providing propane to customers in the State of Missouri, for the period beginning January 28, 2000, and continuing for the duration of the emergency, or 3 days (11:59 p.m., CST, January 31, 2000) whichever is less; and

WHEREAS, the requirements of 49 C.F.R. Sections 395.3 is also made applicable to the drivers of commercial motor vehicles operating in this state under Section 307.400, RSMo 1994, and the rules promulgated by the Director of the Missouri Department of Public Safety under 11 C.S.R. 30-6.010;

NOW THEREFORE, I, Mel Carnahan, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, hereby suspend the requirements of Section 307.400, RSMo 1994, and the rules promulgated by the Director of the Missouri Department of Public Safety under 11 C.S.R. 30-6.010, but only to the extent that is consistent with the Federal Declaration; and

I further direct that this exemption applies only to those motor carriers providing direct assistance to the emergency relief effort. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo not destined for the emergency relief effort or when the carrier dispatches such driver to another location to begin operations in commerce.

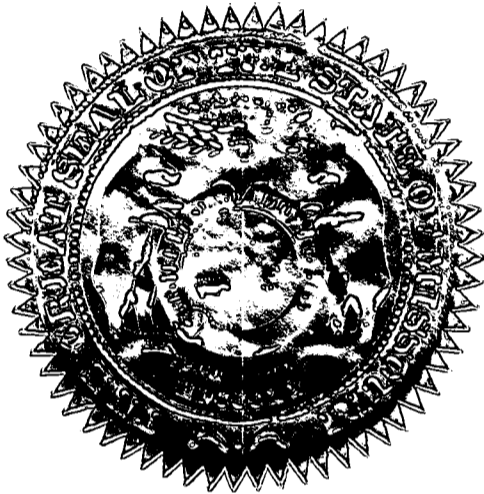
I further direct the Missouri State Highway Patrol, its officers and commercial vehicle inspectors, the enforcement personnel of the Missouri Division of Motor Carrier and Railroad Safety within the Missouri Department of Economic Development, and any other officers of this state or any political subdivisions of this state, to suspend their enforcement of 49 C.F.R. Section 395.3 with reference only to drivers of commercial motor vehicles while transporting propane within this state; and

I further direct that this suspension order shall not apply with reference to any driver while that driver, or the employer of that driver, has been placed out of service as provided by law, and nothing contained herein shall be construed as an exception from the Controlled Substances and Alcohol Use and Testing requirement (49 CFR 382), Commercial Driver's

License requirements in 49 C.F.R. Part 383, the Financial Responsibility requirements in 49 C.F.R. Part 387, or applicable Size and Weight requirements; and

This order shall be effective for the period January 28, 2000, through the duration of the emergency period declared by the Field Administrator of the Federal Motor Carrier Safety Administration's Midwestern Service Center, or 3 days (11:59 p.m. on January 31, 2000, whichever is less.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 28th day of January, 2000.



Mel Carnahan
GOVERNOR

ATTEST:

Rebecca M. Daell
SECRETARY OF STATE