

JAN 16 1997

EXECUTIVE ORDER  
97-01*Rebecca McDowell Cook*  
SECRETARY OF STATE

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

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

WHEREAS, the safety and welfare of the inhabitants of this state require that motor carriers for hire and private carriers by motor vehicle which are transporting propane and heating oils be allowed more rapid and efficient travel to meet this public demand for propane and heating oil products 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 regulatory limitations on the hours of service of drivers of commercial motor vehicles while transporting propane or heating oils during this period; and

WHEREAS, the Regional Director of the Federal Highway Administration's Office of Motor Carriers for Region 7, which includes the State of Missouri, has declared a regional emergency pertaining to the transportation of propane and heating oils, as a result of interruptions in the availability and/or delivery of propane and heating oils at various locations within this state, and has granted relief from the requirements of 49 C.F.R. Section 395.3(a) and 395.3(b) of the Federal Motor Carrier Safety Regulations for motor carriers while providing propane or heating oils to customers in the State of Missouri, for the period beginning January 16, 1997, and continuing for the duration of the emergency, or until 12:01 A.M. on February 5, 1997, whichever is less; and

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

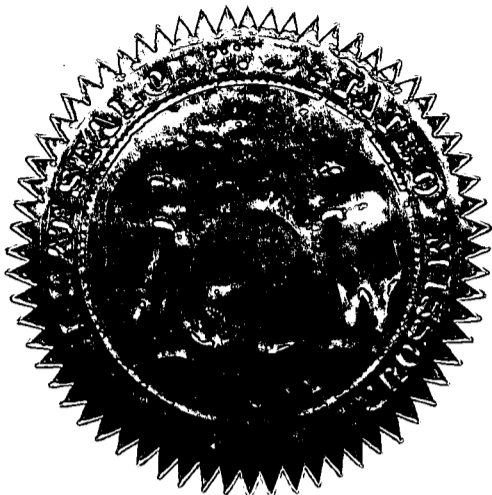
NOW, THEREFORE, I, Mel Carnahan, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby suspend the requirements of Section 307.400, RSMo and the rules promulgated by the Director of the Missouri Department of Public Safety under 11 C.S.R. 30-6.010, but only to the extent that those provisions make 49 C.F.R. Sections 395.3(a) and 395.3(b) applicable to the drivers of commercial motor vehicles while transporting propane and/or heating oils within this state; and

I further direct the Missouri State Highway Patrol, its officers and commercial vehicle inspectors, the enforcement personnel of the Transportation Division 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 only to drivers of commercial motor vehicles while transporting propane and/or heating oils 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 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 16, 1997, through the duration of the emergency period declared by the Regional Director of the Federal Highway Administration's Office of Motor Carriers for Region 7, or until 12:01 A.M. on February 5, 1997, 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 16th day of January, 1997.



*Del Corrahan*

GOVERNOR

ATTEST:

*Rebecca M. Daell*

SECRETARY OF STATE