



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2021-3

Declaration of State of Energy Emergency

Extreme cold across most of the Central United States caused by an arctic air mass, coupled with people spending more time at home due to the global pandemic, has created a strong demand for home heating fuel. At the same time, these conditions have caused longer delivery times. Heavy snowfall has produced hazardous road conditions and increased demand has led to longer wait times at supply and distribution terminals. As a result, many drivers are nearing or reaching maximum weekly driving and on-duty limits, which are set by federal and state law in 49 CFR Part 395, and adopted in Public Act 181 of 1963, MCL 480.11 et seq. In short, while supply is available, the current weather event has hindered distribution of that supply.

At present, Michigan's neighboring states and a majority of states in the nation are under some form of federal or state energy emergency declaration due to the extreme weather event.

Under Public Act 191 of 1982, "the governor may declare, by executive order . . . a state of emergency . . . upon the governor's own initiative if the governor finds that an energy emergency exists or is imminent." MCL 10.83(1). An "energy emergency" means a "condition of danger to the health, safety, or welfare of the citizens of this state due to an impending or present energy shortage." MCL 10.81(b). Moreover, an "energy shortage" means a "lack of adequate available energy resources in the state, or any part of the state." MCL 10.81(e).

Among other powers, during a declared state of energy emergency, the governor may issue an executive order to "suspend a statute or an order or rule of a state agency or a specific provision of a statute, rule, or order, if strict compliance with the statute, rule, or order or a specific provision of the statute, rule, or order will prevent, hinder, or delay necessary action in coping with the energy emergency." MCL 10.84(c).

Therefore, acting under the Michigan Constitution of 1963 and Michigan law, including 1982 PA 191, MCL 10.81 to 10.87, I order the following:

1. A state of energy emergency is declared across the State of Michigan.
2. Motor carriers and drivers transporting propane and heating oil are exempt from compliance with MCL 480.11a and any other applicable state statute, order, or rule substantially similar to MCL 480.11a, and 49 CFR Part 395. Any provision of a state statute, order, or rule pertaining to the hours-of-service is suspended. This exemption and suspension apply to all highways in Michigan, including the national system of interstate and defense highways.
3. No motor carrier or driver operating under the terms of this order may require or allow an ill or fatigued driver to operate a motor vehicle. Any driver who informs a carrier that he or she needs immediate rest must be given at least ten consecutive off-duty hours before the driver is required to return to work.
4. Nothing in this order creates an exemption from applicable controlled substances and alcohol use and testing requirements (49 CFR Part 382 and any similar state statute, order, or rule); the commercial driver's license requirements (49 CFR Part 383 and any similar state statute, order, or rule); the financial responsibility requirements (49 CFR Part 387 and any similar state statute, order, or rule); driver qualifications (49 CFR Part 391); driving of commercial motor vehicle requirements (49 CFR Part 392); requirements for equipment, parts, and accessories necessary for the safe operation of vehicles (49 CFR Part 393); applicable size and weight requirements; or any portion of federal and state regulations not specifically identified.
5. 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.
6. Upon expiration of this order, or when a motor carrier or driver ceases to provide direct assistance to the emergency relief effort, a driver that has had at least 34 consecutive off-duty hours must be permitted to start his or her on-duty hours and 60/70-hour clock at zero.
7. This order applies only to propane and heating oil. No other petroleum products are covered by the exemption and suspension under this order.
8. The Commercial Vehicle Enforcement Division of the Michigan Department of State Police must coordinate state compliance with this order.
9. This order is effective upon filing and remains in effect for the duration of the emergency or until Sunday, February 28, 2021, at 11:59 p.m., whichever comes first.

Gretchen Whitmer

Date: February 20, 2021

GRETCHEN WHITMER
GOVERNOR

Time: 9:44 a.m.

By the Governor



Felicia Benson

SECRETARY OF STATE

FILED WITH SECRETARY OF STATE

ON 2/22/2021 AT 9:40 Am