

# STATE OF MINNESOTA

## EXECUTIVE DEPARTMENT



**MARK DAYTON**  
**GOVERNOR**

### **Emergency Executive Order 13-04**

#### **Declaring an Emergency and Providing for Relief from Regulations to Motor Carriers and Drivers Operating in the State of Minnesota**

**I, Mark Dayton, Governor of the State of Minnesota**, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

**Whereas**, on Tuesday, April 9<sup>th</sup>, 2013, and continuing three days thereafter, a severe winter storm affected southern Minnesota;

**Whereas**, the storm caused significant debris issues and extensive damage to public infrastructure, including the electrical distribution system and emergency communication transmission systems;

**Whereas**, the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, has activated the Minnesota Emergency Operations Plan, will continue the provision of on-site support and assistance to the affected local governments, and will determine the need for supplementary disaster aid;

**Whereas**, the resources of local, county, and state governments are being fully utilized to ensure an immediate response to persons in need, protect the life and safety of persons in the affected areas, and protect property and infrastructure from additional damage; and

**Whereas**, the emergency assistance of motor carriers and drivers is needed to transport supplies and materials, and to provide direct assistance for emergency relief efforts;

**Now, Therefore,** I hereby order that:

1. A state of emergency exists due to the severe winter storm.
2. Motor carriers and drivers transporting supplies and materials to affected areas of the state and providing direct assistance for emergency relief efforts, are exempted from the regulations incorporated in Minnesota Statutes, section 221.0314, subdivision 9, pertaining to hours of service.
3. Nothing in this order shall be construed to relieve motor carriers and drivers transporting supplies and materials and providing direct assistance for emergency relief efforts from regulations pertaining to driver qualifications; driving of commercial motor vehicles; commercial drivers' licenses; drug and alcohol testing for drivers; or equipment, parts, and accessories necessary for the safe operation of vehicles.
4. No motor carrier operating under the terms of this order shall 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 shall be given at least ten consecutive hours off-duty before the driver is required to return to service.
5. Upon the expiration of this order, or when a driver or carrier ceases to provide direct assistance to the emergency relief effort, a driver that has had at least thirty-four consecutive hours off-duty must be permitted to start his or her on-duty status hours and 60/70-hour clock at zero.

Pursuant to Minnesota Statutes, section 4.035, subdivision 2, this Emergency Executive Order is effective immediately and must be filed with the Secretary of State and published in the State Register as soon as possible after its issuance. Emergency relief from regulations for motor carriers and drivers transporting supplies and materials to affected areas of the state and providing direct assistance for emergency relief efforts, remains in effect for 30 days from the date of the initial declaration of the emergency, or until the commercial motor carrier or driver ceases direct assistance in providing emergency relief, whichever occurs first. For purposes of this Emergency Executive Order, direct assistance is defined in Minnesota Statutes, section 221.0269, subdivision 3, paragraph (c). This Emergency Executive Order may be extended in accordance with Minnesota Statutes, section 221.0269, subdivision 2.

In Testimony Whereof, I have set my hand on this 11th day of April, 2013.

  
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**Mark Dayton**  
Governor

Filed According to Law

  
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**Mark Ritchie**  
Secretary of State