

# STATE OF INDIANA

## EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER 23-07

**FOR: WAIVER OF HOURS OF SERVICE REGULATIONS RELATING TO MOTOR CARRIERS AND DRIVERS TRANSPORTING PROPANE GAS**

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

**WHEREAS,** approximately 500,000 Hoosiers depend upon propane gas to heat their homes, businesses, schools, and public buildings, and agricultural operations rely on propane to dry recently harvested crops;

**WHEREAS,** Indiana's corn harvest is later this year, necessitating a higher than usual need for propane-fueled drying operations and significantly increasing the demand for propane gas;

**WHEREAS,** the current demand for propane gas exceeds the locally available supply, and distributors of propane are already beginning to experience shortages in supply, long lines at terminals, and transportation challenges such as a shortage of drivers and the necessity for existing drivers to travel longer distances in search of propane gas;

**WHEREAS,** drivers of commercial motor vehicles, including those who transport and deliver propane gas, are limited in the number of hours they may operate per day pursuant to 49 CFR § 395 of the Federal Motor Carrier Safety Regulations, incorporated by reference into Indiana law under Ind. Code § 8-2.1-24-18;

**WHEREAS,** the suspension of certain hours of service regulations for the drivers of commercial motor vehicles transporting propane gas in our State will help ensure that adequate supplies are distributed throughout Indiana, reducing the damaging effects of any shortages;

**WHEREAS,** applicable federal regulations, including 49 CFR § 390 through 49 CFR § 399, allow for an exemption to be issued;

**WHEREAS,** under Ind. Code § 10-14-3-12, the Governor may suspend the provisions of any regulatory statute prescribing procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any of the provisions would in any way prevent, hinder, or delay necessary action in coping with an emergency; and

**WHEREAS,** in light of the above, and for the benefit of our State and its people, it is necessary and appropriate to assist with and expedite any and all efforts for the transportation of propane gas throughout the State at this time;

**NOW, THEREFORE, I, Eric J. Holcomb,** by virtue of the authority vested in me as Governor of the State of Indiana, do hereby declare that an emergency exists and order that:

1. Motor carriers and drivers transporting propane in the State of Indiana during this emergency shall be exempt from regulations restricting their hours of service under 49 CFR § 395, incorporated by reference into Ind. Code § 8-2.1-24-18. This exemption shall be effective from the time of issuance of this Order until December 4, 2023, unless it is terminated or extended by order of the Governor.

2. Nothing contained in this declaration shall be construed as an exemption for any portion of the Motor Carrier Safety Regulations other than those regulating hours of service.



IN TESTIMONY WHEREOF, I, Eric J. Holcomb, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, on this 8<sup>th</sup> day of November, 2023.



Eric J. Holcomb  
Governor of Indiana



ATTEST: Diego Morales  
Secretary of State