



**STATE OF WYOMING
EXECUTIVE DEPARTMENT
EXECUTIVE ORDER**

Order 2024-03

**UPDATED EMERGENCY EXEMPTION FROM PERMISSIBLE OPERATING TIME
REGULATIONS**

WHEREAS, the people of the State of Wyoming are faced with low supplies of heating oil, natural gas, and propane (collectively, “heating fuel”) with which to heat their homes and businesses and carry out commerce due to cold temperatures in the region; and

WHEREAS, it is necessary for heating fuel customers throughout the State of Wyoming to receive deliveries quickly in the face of high levels of use created by the exceptionally cold conditions; and

WHEREAS, regulatory impediments to the expeditious delivery of heating fuel to customers throughout Wyoming threaten to endanger the health and welfare of the people; and

WHEREAS, drivers of heating fuel delivery vehicles are required to deliver supplies of these products in order to meet this demand for the products; and

WHEREAS, the State of Wyoming has the ability, through an executive order, to make emergency changes in regulations so that the prompt delivery of heating fuel to customers throughout the state is not impeded by restrictions to the hours that can be worked by qualified drivers; and

WHEREAS, in the interest of public safety, the Wyoming Legislature, in Wyo. Stat. Ann. § 31-18-303(a), has mandated that the Wyoming Department of Transportation adopt rules and regulations prescribing the permissible operating time and other requirements of motor carrier drivers, and the Department has complied with this mandate by adopting its own rules of motor carriers, chapter 1, § 9, which requires compliance with various federal regulations, including 49 CFR 390 and 49 CFR 395 of the United States Department of Transportation Motor Carrier Safety Regulations; and

WHEREAS, 49 CFR 390.23 permits a state official authorized to declare an emergency, such as the Governor of the State of Wyoming, in the event of such declaration, to exempt motor carrier drivers from certain regulations, including operating time requirements; and

WHEREAS, on January 19, 2024, I declared such an emergency; and

WHEREAS, 49 CFR 390.23, as amended December 12, 2023, allows an emergency period of thirty (30) days for residential heating fuel, and fourteen (14) days for non-residential heating fuel;

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and by the laws of the State of Wyoming, I, Mark Gordon, do hereby order and direct:

1. A state of emergency exists in Wyoming, and I hereby declare such an emergency. The emergency requires that the transportation and delivery of heating fuel into and within the State of Wyoming shall be exempt from 49 CFR 395.3.
2. Nothing contained in this Order shall be construed as an exemption from the controlled substances, alcohol use, and testing requirements (49 CFR 382), the commercial driver's license requirements (49 CFR 383), the financial responsibility requirements (49 CFR 387), applicable size and weight requirements, or any other portion of the regulations not specifically identified in this Order.
3. Heating fuel transportation or delivery companies, while under this Order, shall not require or allow any fatigued driver to operate a heating fuel delivery vehicle. A driver who informs a carrier that he/she needs immediate rest shall be given adequate rest before the driver is required to return to service.

Be it further ordered, this Executive Order replaces and supersedes Executive Order 2024-02, is effective immediately, and shall expire upon the conclusion of the emergency, but no later than 11:59 pm, February 18, 2024, as it pertains to residential heating fuel, and 11:59 pm, February 2, 2024, as it pertains to non-residential heating fuel.

Given under my hand and the Executive Seal of the State of Wyoming this 23rd day of January, 2024.



Mark Gordon
Governor