



State
Executive Department
of Iowa

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

PROCLAMATION OF DISASTER EMERGENCY

WHEREAS, because of the extreme winter weather conditions and high demand for petroleum products throughout the Midwest, the people of the State of Iowa are faced with extremely low supplies of propane; and

WHEREAS, adequate supplies of propane provide residential and agricultural heating to Iowa's citizens, particularly those in rural portions of the State; and

WHEREAS, the effects of the current propane shortage are being felt throughout the State of Iowa; and

WHEREAS, the limited suspension of certain hours of service regulations for drivers of commercial motor vehicles transporting propane in our State will increase the amount of propane transported throughout the State of Iowa, thereby reducing the damaging effects of this shortage; and

WHEREAS, these conditions threaten the peace, health, and safety of the citizens of the State of Iowa and its agricultural industry and accordingly provide an adequate legal justification for the issuance of this Proclamation of a State of Disaster Emergency pursuant to IOWA CODE § 29C.6(1).

NOW, THEREFORE, I, KIMBERLY K. REYNOLDS, Governor of the State of Iowa, by the power and authority vested in me by the Iowa Constitution, art. IV, §§ 1, 8 and IOWA CODE § 29C.6(1), and all other applicable laws, do hereby proclaim a **STATE OF DISASTER EMERGENCY** for the entire State of Iowa and do hereby **ORDER** and **DIRECT** the following:

SECTION ONE. I temporarily suspend the regulatory provisions of IOWA CODE § 321.449 pertaining to hours of service for crews and drivers delivering propane during the duration of this Proclamation, subject to these conditions:

A. Nothing contained in this Proclamation shall be construed as an exemption from the controlled substances and alcohol use and testing requirements under 49 CFR Part 382, the commercial drivers' license requirements under 49 CFR Part 383, the financial responsibility requirements of 49 CFR Part 387, or any other portion of the Code of Federal Regulations not specifically identified in this Proclamation.

B. No motor carrier operating under the terms of this Proclamation shall require or allow a fatigued or ill driver to operate a motor vehicle. A driver who informs a carrier that he or she needs immediate rest shall be given at least ten (10) consecutive hours off duty before the driver is required to return to service.

C. Upon the request of a driver, a commercial motor carrier operating under this proclamation must give a driver at least thirty-four (34) consecutive hours off when the driver has been on duty for more than seventy (70) hours during any eight (8) consecutive days.

D. Motor carriers that have an out-of-service order in effect may not take advantage of the relief from regulations that this Proclamation provides under title 49 CFR § 390.23.

E. Upon the expiration of the effective date of this Proclamation, or when a driver has been relieved of all duty and responsibility to provide direct assistance to the emergency effort herein stated, a driver that has had at least thirty-four (34) consecutive hours off duty shall be permitted to start his or her on-duty status hours and sixty/seventy (60/70) hour clock at zero (0).

IOWA CODE § 29C.6(6).


This state of disaster emergency shall be effective at 12:01 a.m., December 29, 2017, and shall continue for five (5) days, and shall expire on January 3, 2018, at 11:59 p.m., unless sooner terminated or extended by me in writing. See IOWA CODE § 29C.6 (1).



IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed at Des Moines, Iowa this twenty-ninth day of December in the year of our Lord Two Thousand Seventeen.


KIMBERLY K. REYNOLDS
GOVERNOR OF IOWA

ATTEST:


PAUL D. PATE
SECRETARY OF STATE