



# State of Iowa

## Executive Department

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

### PROCLAMATION OF DISASTER EMERGENCY

**WHEREAS**, because of the high demand for petroleum products throughout the Midwest, the people of the State of Iowa are faced with extensive challenges to timely access to supplies of motor and heating fuels; and

**WHEREAS**, timely access to adequate supplies of motor and heating fuels are necessary to continue to provide residential, agricultural, and commercial heating to our citizens, particularly those in rural portions of the state; and

**WHEREAS**, the effects of this fuel access constraint are being felt throughout the State of Iowa; and

**WHEREAS**, drivers transporting motor and heating fuels are experiencing long wait times at terminals and challenging driving conditions with ice and snow covered roads; and

**WHEREAS**, long wait times at petroleum product terminals, combined with the need to truck motor and heating fuels over long distances, make it difficult for transporters to meet demand and comply with state and federal hours-of-service requirements; and

**WHEREAS**, the limited suspension of certain hours of service regulations for drivers of commercial motor vehicles transporting motor and heating fuels in our state will increase the amount of these products transported throughout the State of Iowa, thereby reducing the damaging effects of this access constraint; and

**WHEREAS**, these conditions threaten the peace, health, and safety of the citizens of the State of Iowa and accordingly provide legal justification for the issuance of a 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.** Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code § 321.449 pertaining to hours of service for crews and drivers delivering propane, diesel #1, diesel #2, natural gas, and other fuels used for residential, agricultural, and commercial heating purposes during the duration of this disaster, 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 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 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 declaration 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, 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 60/70 hour clock at zero.

**SECTION TWO.** Nothing contained in this declaration shall be construed as an exemption from any other portion of the Iowa Code or Iowa Administrative Code not specifically identified in this proclamation.

**SECTION THREE.** This state of disaster emergency shall be effective immediately, shall continue for nine (9) days, and shall expire on January 1, 2023, at 11:59 p.m., unless sooner terminated or extended in writing by me. 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-THIRD DAY OF  
DECEMBER IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-TWO.

  
KIMBERLY K. REYNOLDS  
GOVERNOR

ATTEST:

  
PAUL D. PATE  
SECRETARY OF STATE