

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA
PROCLAMATION OF DISASTER EMERGENCY

WHEREAS, on March 31, 2023, and continuing thereafter, a series of severe storms including damaging winds, straight-line winds, heavy rains, thunderstorms, and tornadoes, resulting in significant damage to public and private property and power outages resulting from downed power lines and poles; and

WHEREAS, strict compliance with the provisions of various state statutes, orders, and rules governing the conduct of business is preventing, hindering, and/or delaying necessary action in coping with the emergency by limiting the transportation and delivery of goods and services while responding to disaster sites; and

WHEREAS, strict compliance with the provisions of various state statutes, orders, and rules governing the conduct of business is hindering necessary actions of residents coping with this event; and

WHEREAS, these conditions threaten the public peace, health, and safety of citizens of the State of Iowa and have damaged and destroyed public and private property. Because of this, they 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** throughout the 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 disaster repair crews and drivers delivering goods and services while responding to disaster sites 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.

Iowa Code § 29C.6 (6).

SECTION TWO. I temporarily suspend the regulatory provisions of Iowa Code §§ 321.463(5) (a), (5) (b) and 321E.29 and 761 Iowa Admin. Code Chapter 511, to the extent those provisions restrict the movement of loads related to disaster repairs on all highways within Iowa, excluding the interstate system, and require a permit to transfer such loads, when such loads:

- A. Do not exceed a maximum of 90,000 pounds gross weight,
- B. Do not exceed by more than twelve and one-half percent (12.5%) the maximum axle weight limit determined under the non-primary highway maximum gross weight table in Iowa Code § 321.463(5) (b),
- C. Do not exceed the legal maximum axle weight limit of 20,000 pounds, and
- D. Comply with posted weight limits on roads and bridges.

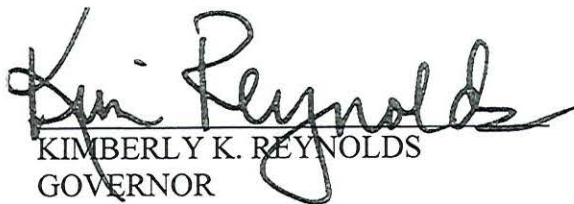
Iowa Code § 29C.6 (6).

SECTION THREE. 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 FOUR. This state of disaster emergency shall be effective on April 1, 2023, shall continue for thirty (30) days, and shall expire on May 1, 2023, 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 FIRST DAY OF APRIL IN THE
YEAR OF OUR LORD TWO THOUSAND
TWENTY THREE


KIMBERLY K. REYNOLDS
GOVERNOR

ATTEST:

PAUL D. PATE
SECRETARY OF STATE