



**STATE OF WYOMING
EXECUTIVE DEPARTMENT
EXECUTIVE ORDER**

Order 2021-6

**EMERGENCY EXEMPTION FROM PERMISSIBLE OPERATING TIME
REGULATIONS FOR TRANSPORTATION OF GASOLINE, DIESEL, AND AVIATION
FUEL**

WHEREAS, increased post-pandemic travel in the United States has resulted in record travel, causing an increase in gasoline, diesel, and aviation fuel use; and

WHEREAS, an early and severe fire season in the region has resulted in increased fire suppression efforts, also causing a corresponding increase in gasoline, diesel, and aviation fuel use; and

WHEREAS, the people of the State of Wyoming are faced with low supplies of gasoline, diesel, and aviation fuels, impacting their ability to travel, carry out commerce, and respond to fires in the region; and

WHEREAS, it is necessary for gasoline, diesel, and aviation fuel customers throughout the State of Wyoming to receive deliveries quickly in the face of high fuel demand caused by increased post-pandemic travel and fire suppression efforts; and

WHEREAS, drivers of gasoline, diesel, and aviation fuel delivery vehicles are required to deliver fuel in order to meet increased demand, which is expected to continue for at least thirty (30) days; and

WHEREAS, delays in expeditious delivery of gasoline, diesel, and aviation fuel throughout Wyoming threaten to endanger the health, safety, welfare, and property of the people; 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 gasoline, diesel, and aviation fuel to customers throughout the state is not slowed 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 the 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 Parts 390 and 395 of the United States Department of Transportation Federal 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.

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 gasoline, diesel, and aviation 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. Gasoline, diesel, and aviation fuel transportation or delivery companies, while under this Order, shall not require or allow any fatigued driver to operate a gasoline, diesel, or aviation 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 shall expire upon the conclusion of the emergency, but no later than midnight, August 20, 2021.

This Executive Order is effective July 20, 2021.

Given under my hand and the Executive Seal of the State of Wyoming this 20th day of July, 2021.



Mark Gordon
Governor