

SECRETARY OF SENATE
2025 APR 2 AM 10:29



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2025-4

Suspension of Rules for Motor Drivers and Carriers during the State of Emergency

Beginning on March 28, 2025, and, in some areas, lasting through March 30, 2025, northern Michigan experienced impactful winter weather that resulted in extreme and severe ice accumulation that had significant impacts to critical services throughout the region, including the ability to refuel. In response, on March 31, 2025, I issued Executive Order 2025-2 declaring a state of emergency for the counties of Otsego, Oscoda, Montmorency, Presque Isle, Emmet, Charlevoix, Cheboygan, Crawford, Mackinac, and Alpena. On April 1, 2025, I issued Executive Order 2025-3 declaring that the same state of emergency be extended to the counties of Alcona and Antrim.

State and local officials have taken several actions to respond to the situation, including but not limited to declaring emergencies, activating the emergency response and recovery aspects of applicable emergency operations plans, issuing emergency public information, and/or otherwise utilizing all available resources to address these conditions. Despite these efforts, there is an ongoing fuel shortage in the impacted areas and a critical need for fuel and other equipment to reach these communities with haste. Thus, a state of energy emergency exists in the impacted counties and other steps are appropriate and necessary to effectively respond to and recover from the impacts of this emergency, protect public health, safety, and property, and lessen or avert the threat of more severe and lasting harm.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor. Under the Emergency Management Act, 1976 PA 390, as amended, MCL 30.403(4), the "governor shall, by executive order or proclamation, declare a state of emergency if he or she finds that an emergency has occurred or that the threat of an emergency exists." And, under the Emergency Management Act, MCL 30.403(2), the "governor may issue executive orders, proclamations, and directives having the force and effect of law to implement this act." Likewise, pursuant to MCL 30.405(1)(j), the governor may, upon declaration of a state of emergency, "[d]irect all other actions which are necessary and appropriate under the circumstances."

Under Public Act 191 of 1982, "the governor may declare, by executive order . . . a state of emergency . . . upon the governor's own initiative if the governor finds that an energy emergency exists or is imminent." MCL 10.83(1). An "energy emergency" means a

“condition of danger to the health, safety, or welfare of the citizens of this state due to an impending or present energy shortage.” MCL 10.81(b). Moreover, an “energy shortage” means a “lack of adequate available energy resources in the state, or any part of the state.” MCL 10.81(e). Among other powers, during a declared state of energy emergency, the governor may issue an executive order to “suspend a statute or an order or rule of a state agency or a specific provision of a statute, rule, or order, if strict compliance with the statute, rule, or order or a specific provision of the statute, rule, or order will prevent, hinder, or delay necessary action in coping with the energy emergency.” MCL 10.84(c).

Therefore, acting under the Michigan Constitution of 1963 and Michigan law, including but not limited to, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 to 30.421, and the Declaration of State of Energy Emergency Act, 1982 PA 191, MCL 10.81 to 10.87, I find it appropriate and necessary to order the following:

1. Suspension of certain rules for motor drivers and carriers
 - a. Motor carriers and drivers transporting gasoline, distillate, propene, and other necessary equipment to address the transportation and supply needs arising from the current emergency, as announced in both Executive Orders 2025-2 and 2025-3, are exempt from compliance with MCL 480.11a, and any other applicable state statute, order, or rule substantially similar to MCL 480.11a, as well as 49 CFR Part 395. Any provision of a state statute, order, or rule pertaining to the hours-of-service is suspended. These exemptions and suspensions apply to all highways in Michigan, including the national system of interstate and defense highways.
 - b. All state load, size, and weight restrictions, including but not limited to MCL 257.716 and MCL 257.722, and any local seasonal weight, size, or load restrictions, are suspended for the transportation and delivery of gasoline, distillate, propene, and other necessary equipment to address the transportation and supply needs arising from the current emergency, as announced in Executive Orders 2025-2 and 2025-3.
 - c. All state and local road agencies must exercise their authority on an expedited basis to issue permits that allow non-seasonal load restrictions to be exceeded. These permits must reflect bridge weight tolerances, and they must apply to the transportation and delivery of gasoline, distillate, propene, and other necessary equipment to address the transportation and supply needs arising from the current emergency, as announced in Executive Orders 2025-2 and 2025-3.
 - d. No motor carrier or driver operating under the terms of this Order shall require or allow an ill or fatigued driver to operate a motor vehicle. Any driver who informs a carrier that he or she needs immediate rest shall be given at least ten consecutive off-duty hours before the driver is required to return to work.

- e. Nothing in this Order shall be construed as an exemption from applicable controlled substances and alcohol use and testing requirements (49 CFR Part 382 and any similar state statute, order, or rule); the commercial driver's license requirements (49 CFR Part 383 and any similar state statute, order, or rule); the financial responsibility requirements (49 CFR Part 387 and any similar state statute, order, or rule); driver qualifications (49 CFR Part 391 and any similar state statute, order, or rule); driving of commercial motor vehicle requirements (49 CFR Part 392 and any similar state statute, order, or rule); requirements for equipment, parts, and accessories necessary for the safe operation of vehicles (49 CFR Part 393 and any similar state statute, order, or rule); or any portion of federal and state regulations not specifically identified.
 - f. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption and suspension until the out-of-service order expires or the conditions for rescission have been satisfied.
 - g. Upon expiration of this Order, or when a motor carrier or driver ceases to provide direct assistance to the emergency relief effort, a driver that has had at least 34 consecutive off-duty hours must be permitted to start his or her on-duty hours and 60/70-hour clock at zero.
 - h. The Commercial Vehicle Enforcement Division of the Michigan Department of State Police shall coordinate state compliance with this Order.
 - i. This Order applies only to gasoline, distillate, and propene. No other petroleum products are covered by the exemptions and suspensions under this Order.
2. This Order is terminated at such a time as is no longer necessary to supply motor fuel and other necessary equipment to the affected area, but in no case later than April 15, 2025.
 3. Consistent with MCL 30.405(3), a willful interference with the implementation of this Order is a misdemeanor.
 4. This Order is effective immediately.

[CONTINUED ON NEXT PAGE]

Date: April 1, 2025

Time: 6:50 p.m.



GRETCHEN WHITMER
GOVERNOR



By the Governor



Jocelyn Benson
SECRETARY OF STATE

FILED WITH SECRETARY OF STATE
ON 4/2/2025 AT 9:57 AM