

# STATE OF INDIANA

## EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER 24-07

**FOR: DECLARING A DISASTER EMERGENCY DUE TO SEVERE WEATHER AND TORNADIC ACTIVITY WITH WAIVER OF HOURS OF SERVICE REGULATIONS RELATING TO MOTOR CARRIERS AND DRIVERS WORKING IN RESPONSE TO THE SEVERE WEATHER**

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, Indiana Code § 10-14-3-12 provides that the Governor shall declare a disaster emergency by executive order if he determines that a disaster involving widespread or severe damage, injury, or loss of life or property has occurred;

WHEREAS, under Ind. Code § 10-14-3-12, upon declaration of an emergency, the Governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any of these provisions would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, on July 15, 2024, severe weather, high winds, lightning strikes and tornadic activity caused widespread damage throughout numerous counties in northern Indiana, including Lake, Porter, Elkhart, Laporte, Kosciusko, Tippecanoe, Starke, and St. Joseph counties.

WHEREAS, the resulting damage/destruction impacted homes, businesses, infrastructure, and other structures and also resulted in severe and extensive damaged to the electric infrastructure, all of which will require significant replacement and repair;

WHEREAS, utilities have activated their interstate mutual aid compacts to provide support in restoration efforts which will bring in crews, trucks, equipment, and supplies from outside the state to assist in the restoration of utility services as quickly and safely as possible;

WHEREAS, under Ind. Code § 8-2.1-24-18, the "hours of service" requirements of 49 C.F.R. § 395 apply to the drivers of commercial motor vehicles operating in this State, including those transporting replacement utility poles and utility crews to the state;

WHEREAS, 49 C.F.R. § 390.23 of the Federal Motor Carrier Safety Regulations provides that a governor of a state may declare an emergency, thereby exempting owners and operators of commercial motor vehicles from parts 390 through 399 of the Federal Motor Carrier Safety Regulations; and

WHEREAS, relief from the "hours of service" regulations for motor carriers operating in intrastate commerce, set forth in Ind. Code § 8-2.1-24-18, has been requested to allow for the prompt delivery of supplies, equipment and crews to ensure the restoration of utility service to Hoosiers.

**NOW, THEREFORE, I, Eric J. Holcomb,** by virtue of the authority vested in me as Governor of the State of Indiana, do hereby:

**DECLARE**

that a disaster emergency exists due to severe weather resulting in significant and prolonged power outages in Lake, Porter, Elkhart, Laporte, Kosciusko, Tippecanoe, Starke, and St. Joseph Counties, which shall be effective immediately and, pursuant to Indiana Code § 10-14-3-12, shall continue for a period of thirty (30) days; and

**ORDER**

motor carriers and drivers transporting utility poles and related items and/or utility crews throughout the State of Indiana in response to this emergency shall be exempt from regulations restricting their hours of service under 49 C.F.R. § 395, incorporated by reference into Indiana statute under Ind. Code § 8-2.1-24-18. This exemption shall be effective from the time of issuance of this Order until July 22, 2024, unless it is terminated or further extended by order of the Governor; and

**ORDER**

that nothing contained in this declaration shall be construed as an exemption for any portion of the Motor Carrier Safety Regulations other than those regulating hours of service.



**IN TESTIMONY WHEREOF,** I, Eric J. Holcomb, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, on this 17<sup>th</sup> day of July, 2024.

Handwritten signature of Eric J. Holcomb in black ink.

Eric J. Holcomb  
Governor of Indiana

ATTEST:

Handwritten signature of Diego Morales in blue ink.

Diego Morales  
Secretary of State

*BY: JERARD A. BONNET  
DEPUTY SECRETARY OF STATE*