



**OFFICE OF THE GOVERNOR**

Executive Order #122

**Relating to an Ongoing Energy Emergency and  
Amending Executive Orders #120 and #121**

**WHEREAS**, only 62 percent of the Wisconsin corn crop has been harvested and dried; and

**WHEREAS**, ample supplies of propane continue to be necessary to dry the remaining corn harvest; and

**WHEREAS**, colder temperatures are requiring greater amounts of propane for home heating; and

**WHEREAS**, several propane pipeline terminals serving Wisconsin are still on allocation of propane; and

**WHEREAS**, continued propane allocation in Janesville and other terminals requires propane transport drivers to drive and wait longer hours to obtain the necessary propane supply; and

**WHEREAS**, the long waits at propane terminals and trucking of propane over long distances continue to make it difficult for propane transporters to meet demand and comply with the state and federal hours-of-service requirements; and

**WHEREAS**, in light of the foregoing, the need for the exemptions of hours-of-service restrictions under state and federal law is anticipated to continue past 11:59 pm on November 15, 2013; and

**WHEREAS**, the Federal Motor Carrier Safety Administration does not object to exempting drivers of commercial motor vehicles transporting propane from the Wisconsin and federal hours-of-service restrictions in 49 C.F.R. Part 395 and Wis. Admin. Code, Ch. Trans 327 and does not object to allowing this exemption to apply to the national system of interstate and defense highways.

**NOW, THEREFORE, I, SCOTT WALKER**, Governor of the State of Wisconsin, by virtue of the authority vested in me by the Constitution and the Laws of this State, and specifically by sections 323.10 and 340.01(15s) of the Wisconsin Statutes and 49 C.F.R. 390.23 and 390.25 of the Code of Federal Regulations, hereby declare the ongoing shortage of propane continues to be a natural disaster and order that the state of emergency declared in Executive Order #120 and extended by Executive Order #121, shall continue through November 29, 2013, at 11:59 p.m., unless sooner terminated. Pursuant to that declaration, I hereby order the following:

- (1) Carriers and drivers of commercial motor vehicles while in the process of obtaining and transporting propane are exempted from Wisconsin and federal hours-of-service restrictions in 49 C.F.R. Part 395 and Wis. Admin. Code, Ch. Trans 325 and 327. This exemption applies to all highways in Wisconsin, including the national system of interstate and defense highways.
- (2) No motor carrier operating under the terms of this Order shall require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor 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.

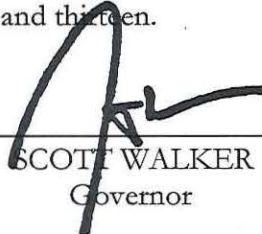
- (3) Upon request of a driver, a commercial motor carrier operating under this Order must give a driver at least thirty-four consecutive hours off when the driver has been on duty for more than seventy hours during any eight consecutive days.
- (4) Upon the expiration of this Order, or when a driver 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 consecutive hours off duty shall be permitted to start his or her on-duty status hours and 60/70 hour clock at zero.
- (5) This Order does not suspend the operation of any state or federal laws within the State of Wisconsin except as specifically described in the order. All other laws remain in full force and will be enforced. This Order does not authorize any person transporting propane to exceed any statutory vehicle weight, width, length, or height limit. This Order does not authorize the use of unregistered or improperly registered vehicles. Vehicles registered in other jurisdictions and not entitled to reciprocity, or not registered for use in Wisconsin through the International Registration Plan, must obtain a permit as provided in section 341.41 of the Wisconsin Statutes. Motor carriers transporting propane for hire must have proper authority to operate in this State, as provided by section 194.04 of the Wisconsin Statutes, and must meet the insurance requirements of section 194.41 or section 194.42 of the Wisconsin Statutes. Carriers must satisfy all ordinarily acceptable federal and Wisconsin requirements concerning vehicle equipment, vehicle operations and driver qualifications and conduct.



By the Governor:

  
DOUGLAS LA FOLLETTE  
Secretary of State

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this fifteenth day of November in the year two thousand thirteen.

  
SCOTT WALKER  
Governor