

EXECUTIVE ORDER
09-29

DEC 31 2009


SECRETARY OF STATE
COMMISSION DIVISION

WHEREAS, the state of Missouri experiences emergencies due to tornadoes, rain, snow, flood and ice as well as other unforeseen events requiring motor carriers to transport and distribute fuel, equipment and other essential goods to communities across the state; and

WHEREAS, the safety and welfare of the residents of affected areas may require the rapid identification of an emergency situation that necessitates the need to suspend state enforcement of federal commercial vehicle and driver laws; and

WHEREAS, Section 390.23 of Title 49, Code of Federal Regulations, provides that a Governor of a state, or the Governor's authorized representatives having authority to declare emergencies, may declare an emergency thereby exempting motor carriers or drivers operating a commercial vehicle from the Federal Motor Carrier Safety Regulations, Parts 390-399, both while providing assistance to the relief efforts during the emergency and while returning empty to the motor carrier's terminal or driver's normal work-reporting location; and

WHEREAS, it is imperative that the State's response to emergency situations involve the seamless coordination between numerous state agencies; and

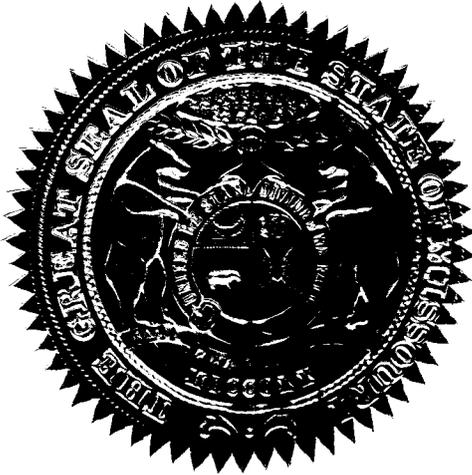
WHEREAS, the State Emergency Management Agency within the Department of Public Safety is tasked with coordinating the State's response efforts during emergencies; and

WHEREAS, a coordinated and efficient analysis and response to situations requiring an emergency declaration exempting motor carriers and drivers operating a commercial vehicle from the Federal Motor Carrier Safety Regulations and relevant state regulations is best provided by designating the Director of the Department of Public Safety as the Governor's authorized representative to declare such emergencies.

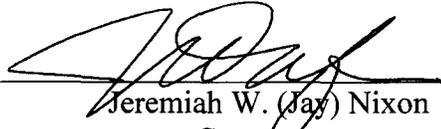
NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order as follows:

1. The Director of the Missouri Department of Public Safety or the Director's designee is authorized to issue an emergency declaration of a regional emergency within the meaning of 49 CFR section 390.23(a)(1) or a local emergency within the meaning of 49 CFR section 390.23(a)(2) for the limited purpose of temporarily suspending the usual requirements of Parts 390-399 of Title 49, Code of Federal Regulations, with reference to motor carriers and operators of commercial motor vehicles, when such official determines that an emergency situation exists which requires the suspension of federal commercial motor vehicle and driver laws. An emergency declaration issued pursuant to this order shall not exceed the duration of the motor carrier's or driver's direct assistance in providing emergency relief, or five days from the date of the initial declaration of the emergency, whichever is less; and
2. The Missouri Department of Transportation will provide all necessary assistance to the Missouri Department of Public Safety in the assessment of relevant motor carrier and commercial motor vehicle requirements that should be waived pursuant to an emergency declaration; and
3. The Director of the Missouri Department of Public Safety or the Director's designee shall notify the Governor's office as soon as possible of any emergency declarations issued pursuant to this Executive Order; and

4. In order to facilitate an orderly implementation of this Executive Order, the provisions of Executive Order 07-01 as extended by Executive Order 08-40 shall remain in effect until February 1, 2010 at which time they will be superseded by the provisions of this Executive Order.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 31st day of December, 2009.


Jeremiah W. (Jay) Nixon
Governor

ATTEST:


Robin Carnahan
Secretary of State