



OFFICE OF THE GOVERNOR

EXECUTIVE ORDER #183

Relating to Declaring an Energy Emergency

WHEREAS, the health, welfare, safety, and economic well-being of the people of the State of Wisconsin depend on access to residential heating fuel, including heating oil, and propane, and its unimpeded transportation;

WHEREAS, demand for residential heating fuel is strong due to weather conditions;

WHEREAS, multiple terminals across Wisconsin have limited supplies of product on-hand, are on allocation, or are loading off of the pipeline, which is resulting in long wait times and drivers traveling longer distances to obtain product;

WHEREAS, drivers transporting residential heating fuel are facing challenging driving conditions in certain areas of the state;

WHEREAS, long wait times at terminals in Wisconsin and neighboring states, combined with the need to truck petroleum products over long distances, makes it difficult for transporters to meet demand and comply with state and federal house-of-service requirements;

WHEREAS, this situation poses a serious risk to the health, welfare, safety, and economic well-being of the people of the State of Wisconsin because it is causing tightness in the market throughout the State of Wisconsin, including difficulties collecting and delivering residential heating fuel;

WHEREAS, allowing the transportation of residential heating fuel within the State of Wisconsin safely and as described in this order will benefit the people of the State of Wisconsin; and

WHEREAS, having consulted with the Department of Transportation, Department of Administration, and the Public Service Commission's Office of Energy Innovation, I conclude that the above conditions warrant waiver of the Hours of Service limitations for motor carriers and drivers of commercial motor vehicles delivering residential heating fuels.

NOW, THEREFORE, I, TONY EVERS, Governor of the State of Wisconsin, by virtue of the authority vested in me by the Constitution and the Laws of Wisconsin, including Sections 323.10 and 340.01(15s) of the Wisconsin Statutes, and Title 49 of the Code of Federal Regulations Part 390.23 and Chapters Trans 325 and 327 of the Wisconsin Administrative Code, hereby:

1. Declare and certify that an energy emergency exists throughout the entire State of Wisconsin, as defined by Section 340.01(15s) of the Wisconsin Statutes. This declaration of emergency shall be in effect as long as drivers transporting residential heating fuel are providing assistance for the emergency or for a period of thirty days from the date of this order, whichever is shorter.
2. Order that carriers and drivers of commercial motor vehicles, while in the process of obtaining and transporting residential heating fuel, are exempted from federal and Wisconsin 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.
3. Order that no motor carrier operating under the terms of this emergency declaration 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 10 consecutive hours off-duty before the driver is required to return to service.
4. 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 residential heating fuel 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, Wis. Stats. Motor carriers transporting residential heating fuel for hire must have proper authority to operate in this State, as provided by section 194.04, Wis. Stats., and must meet the insurance requirements of section 194.41 or 194.42, Wis. Stats. Carriers must satisfy all ordinarily acceptable federal and Wisconsin requirements concerning vehicle equipment, vehicle operations and driver qualifications and conduct.

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 sixth day of January in the year of two thousand twenty-three.



TONY EVERS
Governor

By the Governor:

DOUGLAS LA FOLLETTE
Secretary of State