

State of Iowa
Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

PROCLAMATION OF DISASTER EMERGENCY

WHEREAS, on July 19, 2018, and continuing thereafter, a severe storm system affected the state of Iowa; and

WHEREAS, this storm system caused severe weather, including damaging winds, straight-line winds, thunderstorms, and tornadoes, resulting in personal injury, significant damage to public and private property, power outages resulting from downed power lines and poles, and damage to emergency communications systems; and

WHEREAS, Marshall County suffered significant damage from this event; and

WHEREAS, county officials indicate that power restoration efforts are underway requiring an extension of normal hours of service for commercial vehicle drivers supporting the effort; and

WHEREAS, these conditions threaten the public peace, health, and safety of citizens of the State of Iowa and have damaged and destroyed public and private property. Because of this, they provide legal justification for the issuance of a Proclamation of a State of Disaster Emergency pursuant to Iowa Code § 29C.6 (1).

NOW, THEREFORE, I, KIMBERLY K. REYNOLDS, Governor of the State of Iowa, by the power and authority vested in me by the Iowa Constitution Art. IV, §§ 1, 8 and Iowa Code § 29C.6 (1), and all other applicable laws, do hereby proclaim a **STATE OF DISASTER EMERGENCY** and **ORDER** and **DIRECT** the following:

SECTION 1. I temporarily suspend the regulatory provisions of Iowa Code § 321.449 pertaining to hours of service for disaster repair crews and drivers delivering goods and services while responding to disaster sites in Marshall County during the duration of this disaster, subject to these conditions:

- A. Nothing contained in this Proclamation shall be construed as an exemption from the controlled substances and alcohol use and testing requirements under 49 CFR Part 382, the commercial drivers' license requirements under 49 CFR Part 383, the financial responsibility requirements of 49 CFR Part 387, or any other portion of the Code of Federal Regulations not specifically identified in this proclamation.
- B. No motor carrier operating under the terms of this proclamation shall require or allow a fatigued or ill driver to operate a motor vehicle. A driver who informs a 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.
- C. Upon the request of a driver, a commercial motor carrier operating under this proclamation must give a driver at least thirty-four (34) consecutive hours off when the driver has been on duty for more than seventy (70) hours during any eight consecutive days.
- D. Motor carriers that have an out-of-service order in effect may not take advantage of the relief from regulations that this declaration provides under title 49 CFR § 390.23.

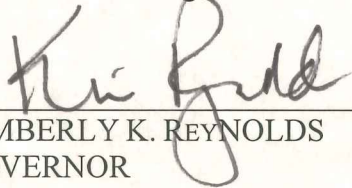
E. Upon the expiration of the effective date of this Proclamation, or when a driver has been relieved of all duty and responsibility to provide direct assistance to the emergency effort, a driver that has had at least thirty-four (34) consecutive hours off duty shall be permitted to start his or her on-duty status hours and 60/70 hour clock at zero.

Iowa Code § 29C.6 (6).

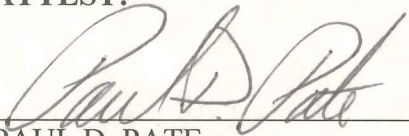
SECTION 2. This state of disaster emergency shall be effective on July 19, 2018, shall continue for thirty (30) days, and shall expire on August 18, 2018, unless sooner terminated or extended in writing by me. Iowa Code § 29C.6 (1).



IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed at Des Moines, Iowa this Nineteenth day of July in the year of our Lord Two Thousand Eighteen.



KIMBERLY K. REYNOLDS
GOVERNOR

ATTEST:


PAUL D. PATE
SECRETARY OF STATE