



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2025-5

Amended Suspension of Rules for Motor Drivers and Carriers during the State of Energy Emergency

Beginning on March 28, 2025, and, in some areas, lasting through March 30, 2025, northern Michigan experienced impactful winter weather that resulted in extreme and severe ice accumulation that had significant impacts to critical services throughout the region, including the ability to refuel. In response, on March 31, 2025, I issued Executive Order 2025-2 declaring a state of emergency for the counties of Otsego, Oscoda, Montmorency, Presque Isle, Emmet, Charlevoix, Cheboygan, Crawford, Mackinac, and Alpena. On April 1, 2025, I issued Executive Order 2025-3 declaring that the same state of emergency be extended to the counties of Alcona and Antrim. Also on April 1, 2025, I used Executive Order 2025-4, which suspended certain rules and restrictions for motor drivers and carriers transporting gasoline, distillate, propane, and other necessary equipment to address the transportation and supply needs arising from the emergency announced in Executive Orders 2025-2 and 2025-3. These orders remain in full force and effect.

As the emergency response is ongoing, new challenges have emerged. The impact of this storm, including the record 30-hour closure of the Mackinac Bridge, has now created an energy, or impending energy, shortage in the Upper Peninsula and threat to the health and wellbeing of not only residents in this region, but also to first responders and utility workers who are responding to the ongoing state of emergency declared in Executive Order 2025-2 and Executive Order 2025-3. This region now has a critical need for fuel to reach it with haste. Thus, a state of energy emergency exists in the 14 counties of the Upper Peninsula not included in my first three declarations: Keweenaw, Ontonagon, Luce, Schoolcraft, Baraga, Alger, Iron, Gogebic, Menominee, Chippewa, Delta, Dickinson, Marquette, and Houghton. Additional steps are appropriate and necessary to effectively respond to and recover from the impacts of this energy emergency, protect public health, safety, and property, and lessen or avert the threat of more severe and lasting harm. Mitigating the fuel shortage in the Upper Peninsula is also critical to ensuring first responders and utility crews can continue the recovery work associated with the ice storm that devastated northern Michigan.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Under Public Act 191 of 1982, "the governor may declare, by executive order . . . a state of emergency . . . upon the governor's own initiative if the governor finds that an energy emergency exists or is imminent." MCL 10.83(1). An "energy emergency" means a "condition of danger to the health, safety, or welfare of the citizens of this state due to an impending or present energy shortage." MCL 10.81(b). Moreover, an "energy shortage" means a "lack of adequate available energy resources in the state, or any part of the state." MCL 10.81(e). Among other powers, during a declared state of energy emergency, the governor may issue an executive order to "suspend a statute or an order or rule of a state agency or a specific provision of a statute, rule, or order, if strict compliance with the statute, rule, or order or a specific provision of the statute, rule, or order will prevent, hinder, or delay necessary action in coping with the energy emergency." MCL 10.84(c).

Therefore, acting under the Michigan Constitution of 1963 and Michigan law, including but not limited to, 1982 PA 191, MCL 10.81 to 10.87, I find it appropriate and necessary to order the following:

1. Suspension of certain rules for motor drivers and carriers

- a. Motor carriers and drivers transporting gasoline, distillate, propane, and other necessary equipment to address the transportation and supply needs arising from the current energy emergency as announced in this Order are exempt from compliance with MCL 480.11a, and any other applicable state statute, order, or rule substantially similar to MCL 480.11a, as well as 49 CFR Part 395. Any provision of a state statute, order, or rule pertaining to the hours-of-service is suspended. These exemptions and suspensions apply to all highways in Michigan, including the national system of interstate and defense highways.
- b. All state load, size, and weight restrictions, including but not limited to MCL 257.716 and MCL 257.722, and any local seasonal weight, size, or load restrictions, are suspended for the transportation and delivery of gasoline, distillate, propane, and other necessary equipment to address the transportation and supply needs arising from the current energy emergency, as announced in this Order.
- c. All state and local road agencies must exercise their authority on an expedited basis to issue permits that allow non-seasonal load restrictions to be exceeded. These permits must reflect bridge weight tolerances, and they must apply to the transportation and delivery of gasoline, distillate, propane, and other necessary equipment to address the transportation and supply needs arising from the current energy emergency.
- d. No motor carrier or driver operating under the terms of this Order shall require or allow an ill or fatigued driver to operate a motor vehicle. Any driver who informs a carrier that he or she needs immediate rest shall be given at least ten consecutive off-duty hours before the driver is required to return to work.

- e. Nothing in this Order shall be construed as an exemption from applicable controlled substances and alcohol use and testing requirements (49 CFR Part 382 and any similar state statute, order, or rule); the commercial driver's license requirements (49 CFR Part 383 and any similar state statute, order, or rule); the financial responsibility requirements (49 CFR Part 387 and any similar state statute, order, or rule); driver qualifications (49 CFR Part 391 and any similar state statute, order, or rule); driving of commercial motor vehicle requirements (49 CFR Part 392 and any similar state statute, order, or rule); requirements for equipment, parts, and accessories necessary for the safe operation of vehicles (49 CFR Part 393 and any similar state statute, order, or rule); or any portion of federal and state regulations not specifically identified.
 - f. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption and suspension until the out-of-service order expires or the conditions for rescission have been satisfied.
 - g. Upon expiration of this Order, or when a motor carrier or driver ceases to provide direct assistance to the emergency relief effort, a driver that has had at least 34 consecutive off-duty hours must be permitted to start his or her on-duty hours and 60/70-hour clock at zero.
 - h. The Commercial Vehicle Enforcement Division of the Michigan Department of State Police shall coordinate state compliance with this Order.
- 2. This Order applies only to those petroleum products specifically named within this Order. No other petroleum products are covered by the exemptions and suspensions under this Order.
 - 3. This Order is terminated at such a time as is no longer necessary to supply motor fuel and other necessary equipment to the affected area, but in no case later than April 10, 2025.
 - 4. Consistent with MCL 10.86(1), a knowing violation of this Order is a misdemeanor.
 - 5. This Order is effective immediately.

[Continued on Next Page]

Date: April 3, 2025

Time: 4:51 p.m.



A handwritten signature in blue ink, reading "Gretchen Whitmer".

GRETCHEN WHITMER
GOVERNOR

By the Governor

A handwritten signature in blue ink, reading "Jocelyn Benson".

SECRETARY OF STATE

FILED WITH SECRETARY OF STATE

ON 04/04/25 AT 10:01 Am