SECRETARY OF SENATE
2026 MAR 18 AM 11:29

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2026-2

Declaration of State of Emergency and Energy Emergency

Starting on March 15, 2026, a severe winter storm system hit multiple counties in the Upper Peninsula and the Northern Lower Peninsula, producing heavy snowfall, high winds, and icing. Early reports indicate that residents have experienced power outages in homes and hospitals; impassable roads; and damage to homes and businesses because of heavy ice and snow. Moreover, as a result of these conditions, delivery of home heating fuel has been challenging, despite there being ready supply. Many drivers are nearing or reaching maximum weekly driving and on-duty limits, which are set by federal and state law.

Local officials in affected counties have taken several actions to respond to the situation, including but not limited to issuing local state of emergency declarations and otherwise activating the emergency response and recovery aspects of their emergency operations. Despite these efforts, local resources have proven insufficient to address the situation and local officials in the counties of Roscommon, Delta, Alcona, Alpena, Missaukee, Ogemaw, and Wexford have requested that the State provide assistance. This assistance and other outside resources are necessary to effectively respond to and recover from the impacts of this emergency, protect public health, safety, and property, and lessen or avert the threat of more severe and lasting harm. While the current balance of the Disaster and Emergency Contingency Fund will not be adequate to address this and the other recent natural disasters that have occurred in this State over the last months, the Legislature can make additional funding available so that communities throughout the state can recover from these emergencies.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor. Under the Emergency Management Act, 1976 PA 390, as amended, MCL 30.403(4), "[t]he governor shall, by executive order or proclamation, declare a state of emergency if he or she finds that an emergency has occurred or that the threat of an emergency exists."

Additionally, 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 the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 to 30.421, and 1982 PA 191, MCL 10.81 to 10.87, I order the following:

State of Emergency

1. A state of emergency is declared for Roscommon, Delta, Alcona, Alpena, Missaukee, Ogemaw, and Wexford counties.

2. The Emergency Management and Homeland Security Division of the Department of State Police must coordinate and maximize all state efforts and may call upon all state departments to use available resources to assist in the designated areas pursuant to the Michigan Emergency Management Plan

3. The state of emergency for Roscommon, Delta, Alcona, Alpena, Missaukee, Ogemaw, and Wexford counties is terminated at such time as the threats to public health, safety, and property caused by the emergency no longer exist, and appropriate programs have been implemented to recover from the effects of this emergency, but in no case later than April 14, 2026, unless extended as provided by the Emergency Management Act.

State of Energy Emergency

4. A state of energy emergency is declared across the State of Michigan.

5. Motor carriers and drivers transporting propane and heating oil are exempt from compliance with MCL 480.11a and any other applicable state statute, order, or rule substantially similar to MCL 480.11a, and 49 CFR Part 395. Any provision of a state statute, order, or rule pertaining to the hours-of-service is suspended. This exemption and suspension apply to all highways in Michigan, including the national system of interstate and defense highways.

6. No motor carrier or driver operating under the terms of this order may 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 must be given at least ten consecutive off-duty hours before the driver is required to return to work.

7. Nothing in this order creates 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); driving of commercial motor vehicle requirements (49 CFR Part 392); requirements for equipment, parts, and accessories necessary for the safe operation

of vehicles (49 CFR Part 393); applicable size and weight requirements; or any portion of federal and state regulations not specifically identified.

8. 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.

9. 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.

10. This order applies only to propane and heating oil. No other petroleum products are covered by the exemption and suspension under this order.

11. The Commercial Vehicle Enforcement Division of the Michigan Department of State Police must coordinate state compliance with this order.

12. This state of energy emergency for the State of Michigan is terminated at such a time as is no longer necessary to supply propone and heating oil to the affected area, or until March 27, 2026.

13. All provisions of this order are effective immediately.

Date: March 17, 2026

Time: 5:11 pm

Gretchen Whitmer

GRETCHEN WHITMER
GOVERNOR

By the Governor

Jocelyn Benson

SECRETARY OF STATE

FILED WITH SECRETARY OF STATE

ON 3/18/26 AT 11:08 am