



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2022-2

Declaration of State of Emergency

At roughly 3:50pm on May 20, 2022, a tornado struck Gaylord, Michigan, causing at least one fatality, dozens of serious injuries to residents, and widespread damage to businesses, roads, and homes. Gas mains in the city are leaking and power lines are downed. Fuel supplies are limited.

Local officials in Otsego County have taken several actions to respond to the incident, including but not limited to: activating the disaster or emergency response and recovery aspects of their emergency operations plans; issuing emergency public information; and providing relief and support to affected individuals. Despite these responses, the assistance of voluntary organizations and the state are required to protect public health, safety, and property, and to lessen or avert the threat of more severe and persisting impacts to the community. State assistance and other outside resources are necessary to effectively respond to, and recover from, the effects of the tornado.

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."

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, I order the following:

1. A state of emergency is declared for Otsego County. Additional jurisdictions may be added as needed and conditions change.
2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts and may call upon all state departments to utilize available resources to assist in the designated area pursuant to the Michigan Emergency Management Plan.

3. Motor carriers and drivers

- a. Motor carriers and drivers transporting gasoline and other motor fuels to address the transportation and supply needs arising from the current emergency 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. 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.
 - c. 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); 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); applicable size and weight requirements; or any portion of federal and state regulations not specifically identified.
 - d. 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.
 - e. 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.
 - f. The Commercial Vehicle Enforcement Division of the Michigan Department of State Police shall coordinate state compliance with this Order.
 - g. This Order applies only to gasoline and other transportation fuels. No other petroleum products are covered by the exemption and suspension under this Order.
4. The state of emergency 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 June 17, unless extended as provided by the Emergency Management Act. Section 3 of this order pertaining to motor carriers and drivers is terminated at such a

time as is no longer necessary to supply motor fuel to the affected area, but in no case later than May 27.



Date: May 20, 2022

GRETCHEN WHITMER
GOVERNOR



By the Governor



Jocelyn Benson
SECRETARY OF STATE

FILED WITH SECRETARY OF STATE
ON 5/24/2022 AT 2:00 pm