STATE OF INDIANA

EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER 26-36

FOR: CONTINUATION OF SUSPENSION OF SPECIAL FUEL RESTRICTIONS FOR FARMER AND TIMBER HARVESTERS

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, on January 20, 2025, the President of the United States declared a national emergency with respect to energy by Executive Order 14156 pursuant to the National Emergencies Act, 50 U.S.C. 1601 et seq., finding, "[a]n affordable and reliable domestic supply of energy is a fundamental requirement for the national and economic security of any nation";

WHEREAS, that national emergency has been continued through January 20, 2027, finding that "[t]he circumstances related to this emergency continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States";

WHEREAS, on August 5, 2026, I signed Executive Order 26-20 which declared an energy emergency for all counties in the State of Indiana beginning on August 7, 2026, as a result of the expanded conflict between Russia and Ukraine realigning the global oil supply chain;

WHEREAS, on September 30, 2026, I signed Executive Order 26-33 which renewed the energy emergency for all counties in the State of Indiana for thirty days beginning on October 6, 2026;

WHEREAS, on November 3, 2026, I signed Executive Order 26-35 which extended the energy emergency for all counties in the State of Indiana for thirty days beginning on November 5, 2026;

WHEREAS, under Ind. Code §§ 10-14-3-11 & 12, the Governor may suspend the provisions of any regulatory statute prescribing procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any of the provisions would in any way prevent, hinder, or delay necessary action in coping with an emergency, including manmade disasters and emergencies;

WHEREAS, in light of the above, and for the benefit of our State and its people, it is necessary and appropriate to assist with and expedite all efforts of transporting diesel fuel which will lower the cost of diesel fuel to individual consumers across the State of Indiana;

WHEREAS, on September 16, 2026, the Federal Motor Carrier Safety Administration issued an Hours of Service Waiver for the Transportation of Gasoline and Diesel Fuel "to address potential increases in transportation and agricultural harvesting demands";

WHEREAS, Indiana is the 10th largest farming state in the nation and 94% of farms are family-owned or operated;

WHEREAS, according to calculations by Purdue University's Agricultural Economist Michael Langemeier, fuel costs have increased $11 per acre for corn production and $7 per acre for soybean production compared to previous levels for Indiana farmers;

WHEREAS, Indiana farmers have already begun to harvest corn and soybeans across the state and will be consuming diesel fuel for hauling these crops for storage or market in the coming months;

WHEREAS, Indiana farmers and timber harvesters maintain on-farm and on-site storage of dyed diesel fuel for nontaxable off-road use, and allowing that fuel to be used in highway vehicles engaged in agricultural and timber harvesting operations will make fuel immediately available to those operations at reduced costs;

WHEREAS, under Ind. Code § 10-14-3-13, the governor may suspend and modify transportation related requirements, including state pollution control standards and requirements affecting or affected by the use of energy, standards or requirements relating to air or water quality control, and the provisions of any state statute regulating transportation or the orders or rules of any state agency if strict compliance with any of the provisions would prevent, hinder, or delay necessary action in coping with the energy emergency;

WHEREAS, Ind. Code § 6-6-2.5-62(c) states "No person shall operate or maintain a motor vehicle on any public highway in Indiana with special fuel contained in the fuel supply tank for the motor vehicle that contains dye or a marker, or both, as provided under section 31 of this chapter. This provision does not apply to persons operating motor vehicles that have received fuel into their fuel tanks outside of Indiana in a jurisdiction that permits introduction of dyed or marked, or both, special fuel of that color and type into the motor fuel tank of highway vehicles or to a person that qualifies for the federal fuel tax exemption under Section 4082 of the Internal Revenue Code and that is registered with the department as a dyed fuel user";

WHEREAS, Ind. Code § 6-6-2.5-62 is a statute regulating transportation; and

WHEREAS, On September 30, 2026, I signed Executive Order 26-34 which suspended special fuel restrictions established in Ind. Code § 6-6-2.5-6(c) for Indiana's farmers and timber harvesters for the duration of the energy emergency.

NOW, THEREFORE, I, MIKE BRAUN, by virtue of the authority vested in me as the Governor of the State of Indiana, do hereby order the following:

1. The suspension of Ind. Code § 6-6-2.5-62(c) by Executive Order 26-34 continues until the expiration of the energy emergency or until it is otherwise discontinued by order of the Governor.

2. Nothing contained in this declaration shall be construed as an exemption for any portion of the Motor Carrier Safety Regulations other than those regulating hours of service or any portion of the special use fuel restrictions other than the use of dyed fuel for transporting and hauling agricultural products.



IN TESTIMONY WHEREOF,
I, Mike Braun, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 3rd day of November, 2026.

Mike Braun

Mike Braun
Governor of Indiana

Diego Morales

ATTEST: Diego Morales
Secretary of State