State of South Dakota
Office of the Governor
Executive Order 2012-08

Whereas, The people of South Dakota are faced with extremely low inventories and outages of petroleum products; and,

Whereas, The return of normal supply flows to fuel terminals in South Dakota is unknown; and,

Whereas, Drivers of petroleum transport vehicles are required to deliver diesel, ethanol, gasoline and propane necessary to maintain the supply of these products in order to enable the people of South Dakota to continue normal agricultural and transportation functions; and,

Whereas, It is the responsibility of the State to assist the people of South Dakota in meeting problems of mutual concern, and transportation of these products is in demand for agriculture, tourism and everyday transportation needs; and,

Whereas, In the interest of public safety, SDCL 49-28A-3, and 49 CFR Part 395 of the U.S. Department of Transportation Motor Carrier Safety Regulations, regulate the hours of service requirements for drivers of petroleum transport vehicles and may unnecessarily delay the transportation of these fuels; and,

Whereas, Petroleum transport companies, while under this order, shall not require or allow fatigued drivers to operate a motor vehicle. A driver who informs a carrier he/she needs immediate rest shall be given adequate rest before the driver is required to return to service; and,

Whereas, Nothing contained in this declaration shall be construed as an exemption from the controlled substances, alcohol use, and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), the financial responsibility requirements (49 CFR Part 387), applicable size and weight requirements, or any other portion of the regulations not specifically identified; and,

It Is, Therefore, By Executive Order, Directed, notwithstanding SDCL 49-28A-3 and 49 CFR Part 395 of the U.S. Department of Transportation Motor Carrier Safety Regulations, that a state of emergency exists in South Dakota, and that such transportation and delivery of diesel, ethanol, gasoline and propane into or within South Dakota shall be exempt from 49 CFR Part 395, otherwise known as the federal hours of service regulations; and

BE IT FURTHER ORDERED, This executive order shall expire upon conclusion of the emergency, but no later than midnight, July 23rd, 2012.

Dated in Pierre, South Dakota this 9th day of July, 2012.

Dennis Daugaard, Governor

Attest:

Jason M. Gant, Secretary of State