

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2022-09

Whereas, The people of South Dakota are faced with extremely low inventories and outages of certain liquid products including gasoline, diesel, jet fuel, propane, ethyl alcohol, natural gasoline, diesel exhaust fluid, and anhydrous ammonia; and

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

Whereas, Drivers of transport vehicles delivering these products must maintain a reliable supply so that the people of South Dakota have steady access to these products for their agriculture, transportation, and heating functions; and

Whereas, In the interest of public safety, SDCL 49-28A-3 and 49 CFR Parts 390 to 399 of the U.S. Department of Transportation Federal Motor Carrier Safety Regulations regulate the transportation requirements for drivers of transport vehicles and may unnecessarily delay the transportation of these products; and

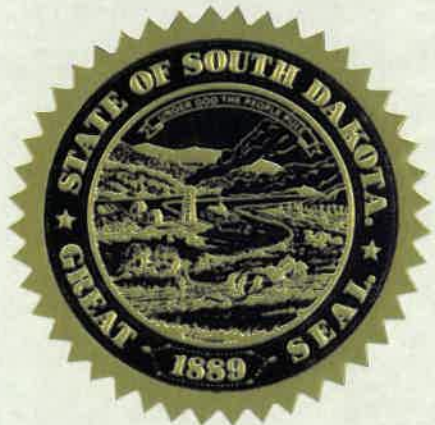
Whereas, Nothing contained in this Order requires or allows fatigued drivers to operate a motor vehicle. A driver who informs a carrier he/she needs immediate rest shall be given adequate rest before the driver is required to return to service; and

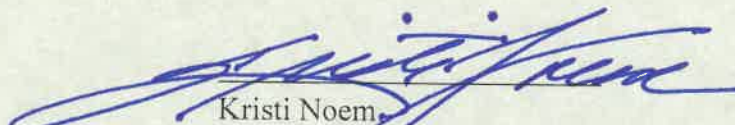
Whereas, Nothing contained in this Order shall be construed as an exemption from the controlled substances, alcohol use, and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), the financial responsibility requirements (49 CFR Part 387), applicable 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 Parts 390 to 399 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 certain liquid products, as described herein, into or within South Dakota shall be exempt from 49 CFR Parts 390 to 399, otherwise known as the Federal Motor Carrier Safety Regulations; and


Be It Further Ordered, This Executive Order shall expire upon conclusion of the emergency, but no later than midnight, November 25, 2022.

Dated in Pierre, South Dakota this 26th day of October, 2022.




Kristi Noem
Governor of South Dakota

ATTEST:


Steve Barnett
Secretary of State