

**STATE OF SOUTH DAKOTA  
OFFICE OF THE GOVERNOR  
EXECUTIVE ORDER 2022-11**

**Whereas**, The people of South Dakota are faced with extremely low inventories and outages of propane and heating fuel; and,

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

**Whereas**, Drivers of propane and heating fuel transport vehicles are required to deliver propane and heating oil necessary to maintain the supply of this product in order to enable the people of South Dakota to continue normal transportation and heating 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 this product is in demand for transportation, and heating needs; and,

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

**Whereas**, Propane and heating fuel 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 or she needs immediate rest shall be given adequate rest before the driver is required to return to service; and,

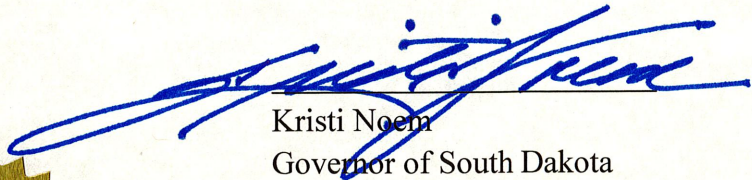
**Whereas**, Nothing contained in this declaration shall be construed as an exemption from the controlled substances, alcohol use, and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), the financial responsibility requirements (49 CFR Part 387), applicable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

**NOW, THEREFORE**, I, Kristi Noem, Governor of the State of South Dakota, declare, notwithstanding SDCL 49-28A-3 and 49 CFR Parts 390-399 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 propane and heating fuel into or within South Dakota shall be exempt from 49 CFR Parts 390-399, otherwise known as the U.S. Department of Transportation Motor Carrier Safety Regulations; and,

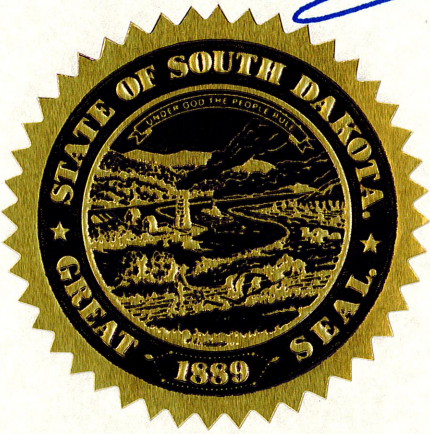
**IT IS FURTHER ORDERED**, This executive order shall expire upon conclusion of the emergency, but no later than midnight, January 15, 2023.



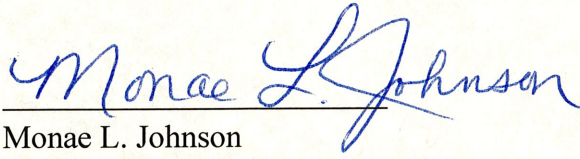
Dated in Pierre, South Dakota, this 16th day of December, 2022.



Kristi Noem  
Governor of South Dakota



ATTEST:



Monae L. Johnson  
Secretary of State