

**STATE OF SOUTH DAKOTA  
OFFICE OF THE GOVERNOR  
EXECUTIVE ORDER 2023-09**

**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, and natural gasoline; 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 and transportation 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, July 9, 2023.

Dated in Pierre, South Dakota this 10th day of June, 2023.



A handwritten signature in blue ink, appearing to read "Kristi Noem".

Kristi Noem  
Governor of South Dakota

ATTEST:

A handwritten signature in blue ink, appearing to read "Monae L. Johnson".

Monae L. Johnson  
Secretary of State