

**STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2024-05**

Whereas, The State of South Dakota has been impacted by severe storms, flooding, and predicted water flows show additional flooding; and,

Whereas, These severe storms have caused significant damage to roads, bridges, dams, and other public infrastructure and that the damage to the roads, bridges, dams, and other public infrastructure has caused many roads to become impassable; and,

Whereas, Drivers of delivery vehicles are required to transport supplies, necessary to provide direct assistance in flood relief efforts and maintain supplies; and,

Whereas, It is the responsibility of the State to assist South Dakotans in meeting problems of mutual concern, and transportation and delivery of needed supplies is in demand and support of flood relief efforts; and,

Whereas, In the interest of public safety, SDCL 49-28A-3, and 49 CPR Parts 395.3 and 395.5 of the U.S. Department of Transportation Motor Carrier Safety Regulations, regulate the transportation requirements for motor carriers or drivers that are providing direct assistance of this regional emergency declaration; and,

Whereas, Motor carriers, 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, This Order is limited to 49 CPR Parts 395.3 and 395.5 (Hours of Service). 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:

NOW, THEREFORE BY EXECUTIVE ORDER, I, Kristi Noem, Governor of the State of South Dakota, declare, notwithstanding SDCL 49-28A-3 and 49 CPR Parts 395.3 and 395.5 of the U.S. Department of Transportation Motor Carrier Safety Regulations, that a state of emergency exists in South Dakota, and that transportation and delivery of needed supplies in support of flood relief efforts within South Dakota shall be exempt from 49 CFR Parts 395.3 and 395.5, otherwise known as the U.S. Department of Transportation Motor Carrier Safety Regulations.


IT IS FURTHER ORDERED, This Executive Order shall expire upon conclusion of the emergency, but no later than midnight, July 8, 2024.

Dated in Pierre, South Dakota, this 24th day of June, 2024.




Kristi Noem
Governor of South Dakota

ATTEST:


Monae L. Johnson
Secretary of State