

**STATE OF SOUTH DAKOTA  
OFFICE OF THE GOVERNOR  
EXECUTIVE ORDER 2021-10**

**Whereas,** The people of South Dakota are faced with extremely low inventories and outages of gasoline, diesel, jet fuel, and ethyl alcohol; and,

**Whereas,** The return of normal supply flows to fuel terminals in South Dakota is not expected until early fall; and,

**Whereas,** Drivers of petroleum transport vehicles are required to deliver fuel necessary to maintain the supply of these products in order to enable the people of South Dakota to continue 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 and transportation needs; 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 petroleum transport vehicles and may unnecessarily delay the transportation of this fuel; 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 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 petroleum products 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

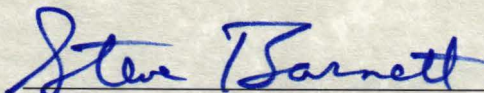
**BE IT FURTHER ORDERED,** This executive order shall expire upon conclusion of the emergency, but no later than midnight, August 16, 2021.

Dated in Pierre, South Dakota this 17<sup>th</sup> day of July, 2021.



  
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Kristi Noem  
Governor of South Dakota

Attest:

  
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Steve Barnett  
Secretary of State