



EXECUTIVE ORDER 2022-07

WHEREAS, due to late snowfalls, extended cold, historic flooding, and extreme weather events, agricultural producers in North Dakota face a delayed spring season, resulting in a limited timeframe for planting and treating fields; and,

WHEREAS, the cold, wet conditions in this State and in the Midwest have resulted in a compressed planting season and increased demand for agricultural inputs; and,

WHEREAS, global supply chain disruptions, lack of labor at facilities and shortage in trucking have created challenges to distribution; and,

WHEREAS, the drivers of commercial trucks must move greater amounts of agricultural inputs in a shorter amount of time to enable producers to complete crop planting and other necessary work to meet the needs of our State; and,

WHEREAS, the State Agriculture Commissioner has requested a waiver of hours of service to ensure that sufficient dry fertilizer, liquid fertilizer, anhydrous ammonia, pesticides, seed, and other planting and fertilizer resources are available during this compressed spring planting season; and,

WHEREAS, waiver of 49 CFR Parts 390 through 399 of the U.S. Department of Transportation's Federal Motor Carrier Safety Regulations would ensure that motor carriers and drivers can secure, obtain, transport and deliver agricultural inputs to meet the needs of citizens across the state; and,

WHEREAS, it is the responsibility of the State to assist North Dakotans, responding to and mitigating the effects of weather emergencies, disasters and other hardships citizens may encounter.

NOW, THEREFORE, Doug Burgum, Governor of North Dakota, by virtue of the authority set forth in Article V, Section 1 of the North Dakota Constitution and North Dakota Century Code § 37-17.1, hereby declares that a state of emergency exists in North Dakota that requires relief from 49 CFR Parts 390 through 399, otherwise known as the Federal Motor Carrier Safety Regulations, and North Dakota Century Code § 39-32-02 pertaining to hours of service for drivers of commercial motor vehicles transporting all agricultural inputs, including dry fertilizer, liquid fertilizer, anhydrous ammonia, pesticides, and seed.

This order is issued on the foregoing bases and under the following conditions:

1. All road safety and vehicle compliance regulations still apply and will be fully enforced.
2. Nothing in this order shall be construed to relieve carriers operating under this order from regulations pertaining to qualifications of drivers, driving of commercial motor vehicles, or parts and accessories necessary for the safe operation of vehicles.
3. Carriers, while under this order, shall not require or allow fatigued drivers to operate a motor vehicle. A driver who informs a carrier that she/he needs immediate rest shall be given at least ten consecutive hours before the driver is required to return to service.

This Order is effective immediately and shall remain in effect for thirty days.

Executed at the State Capitol, this 10th day of May, 2022.



Doug Burgum
Governor

ATTEST:



Alvin A. Jaeger
Secretary of State