



EXECUTIVE ORDER 2022-11

WHEREAS, the State of North Dakota is experiencing record winter storms and cold temperatures, causing significant demand and decreased availability of heating fuels, including propane, natural gas, propane, gasoline, diesel fuel, heating oil; and,

WHEREAS, the lack of adequate heating fuel paired with transport carrier's having a hard time keeping up with fuel demands poses an immediate risk to public health, safety and welfare; and,

WHEREAS, a waiver of 49 CFR Parts 390 to 399 of the U.S. Department of Transportation Federal Motor Carrier Safety Regulations, except as restricted herein, would ensure that carriers, agribusiness, farmers, ranchers and other consumers can secure, obtain, transport and deliver heating fuel, including propane, natural gas and heating oil, to meet the needs of this state; and,

WHEREAS, nothing contained in this order shall be construed as an exemption from the controlled substances, alcohol use and testing requirements under 49 CFR Part 382; the commercial driver's license requirements under 49 CFR Part 383; the financial responsibility requirements under 49 CFR Part 387; the hazardous material regulations under 49 CFR Parts 100 to 180; applicable size and weight requirements; or any other portion of the regulations not specifically authorized pursuant to 49 CFR 390.23; and,

WHEREAS, it is the responsibility of the state to assist the people of North Dakota in addressing emergencies, disasters, and other hardships that may face the state and its citizens.


NOW, THEREFORE, Doug Burgum, Governor of North Dakota, by virtue of the authority vested under 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 to 399, otherwise known as the federal motor carrier safety regulations, for drivers of commercial motor vehicles transporting heating fuel, including propane, natural gas and heating oil, to provide direct assistance to the emergency relief effort.

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

1. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services not directly supporting the emergency relief effort.
2. All traffic safety and vehicle equipment regulations necessary for the safe operation of motor vehicles still apply and will be fully enforced.
3. Motor 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 off duty before the driver is required to return to duty.
4. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this order until the applicable conditions have been met and the out-of-service order has been rescinded.

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

Executed at the State Capitol, this 19th day of December, 2022.



Doug Burgum
Governor

ATTEST:



Alvin A. Jaeger
Secretary of State