STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECTUIVE ORDER 2025-09

Whereas, The people of South Dakota are faced with extremely low inventories and outages of propane and other fuels due to the high demand for petroleum products due to harvest; and,

Whereas, The return of normal supply flows to fuel terminals in South Dakota is unknown; and,

Whereas, Drivers of commercial motor vehicles and motor carrier transport vehicles are required to deliver fuels necessary to maintain the supply of petroleum products in order to meet needs of the people of South Dakota; and,

Whereas, It is the responsibility of the state to assist the people of South Dakota in meeting problems of mutual concern, and the transportation and delivery of gasoline or gasoline blends, diesel, fuel oil, ethanol, propane, jet fuel and biodiesel are in demand due to supply shortages; and,

Whereas, In the interest of public safety, SDCL 49-28A-3 and 49 CFR Parts 395.3, pertaining to hours of service, of the U.S. Department of Transportation Motor Carrier Safety Regulations, regulate the transportation requirements for motor carriers or drivers of fuel transport vehicles that are providing direct assistance under this emergency declaration; and,

Whereas, Motor carriers, while under this order, shall not require or allow fatigued or ill drivers to operate a motor vehicle. A driver who informs a carrier he or she needs immediate rest shall be given at least ten (10) consecutive hours off duty 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,

NOW, THEREFORE, I, LARRY RHODEN, Governor of the State of South Dakota, declare, notwithstanding SDCL 49-28A-3 and 49 CFR Parts 395.3, pertaining to hours of service, 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 gasoline or gasoline blends, diesel, fuel oil, ethanol, propane, jet fuel, and biodiesel that are in demand due to supply shortages into or within South Dakota shall be exempt from 49 CFR Parts 395.3, otherwise known as the U.S. Department of Transportation Motor Carrier Safety Regulations; and,

BE IT IS FURTHER ORDERED, This executive order shall expire upon conclusion of the emergency, but no later than midnight, November 10, 2025.

Dated in Pierre, South Dakota, this 27th day of October, 2025.

Larry Rhoden
Governor

ATTEST:

Monae L. Johnson
Secretary of State