

**STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2019-06**

Whereas, The people of South Dakota are impacted by record level water flows on the Missouri River, Big Sioux River, James River, and other rivers and tributaries, as a result of heavy rains and record snowfall; and,

Whereas, Businesses and homeowners may be impacted by increased waterflow in these rivers as well as standing water in fields and towns; and,

Whereas, Flooding may cause widespread damage to public and private infrastructure and interrupt the normal flow of traffic, not limited to vehicular, emergency, school, mail, business, and farm traffic; and,

Whereas, The people of neighboring states are also impacted by record level water flows, particularly on the Missouri River; and,

Whereas, It is the responsibility of the State to assist the people of South Dakota in meeting problems of mutual concern, such as the transportation of emergency relief supplies and other transportation services; and,

Whereas, It is in the interest of public safety to support a national response to emergency situations, and for the State to facilitate the movement of resources needed by governments in neighboring states for their own response; 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 of goods and services in South Dakota and the interstate commercial traffic requirements for drivers of relief supplies and may unnecessarily delay the transportation of these supplies; and,

Whereas, Transportation 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), or any other portion of the regulations not specifically identified; and,

Whereas, In order to aid in this dire situation and to provide assistance to the people of South Dakota, and to neighboring states also responding to this extraordinary situation,

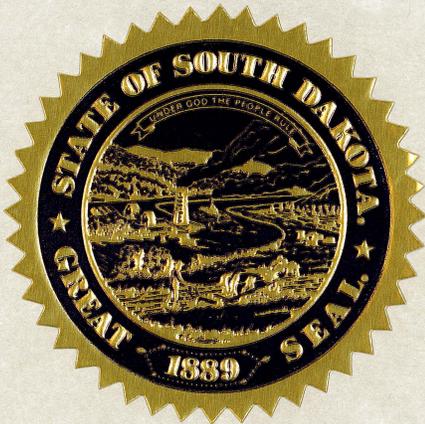
It Is, Therefore, By Executive Order, Directed, notwithstanding SDCL 49-28A-3 and 49 CFR Parts 390 to 399 of the U.S. Department of Transportation Federal Motor Carrier Safety Regulations, that a state of emergency exists in South Dakota, and that such transportation and

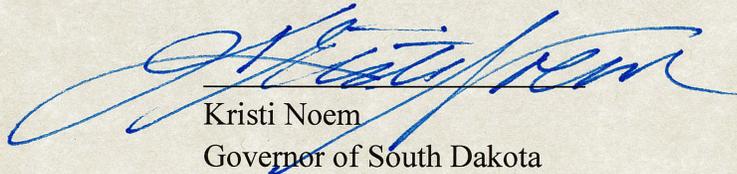
delivery of emergency relief supplies and services into, within, or through South Dakota shall be exempt from 49 CFR Parts 390 to 399, otherwise known as the federal motor carrier safety regulations; and

Be It Further Ordered, Notwithstanding the provisions of SDCL 10-47B-175, SDCL chapter 32-9, SDCL chapter 32-22, and ARSD chapter 70:03:01, the collection of permit fees shall be temporarily suspended for carriers transporting emergency relief supplies to South Dakota and neighboring states currently under a state emergency declaration for flooding along the affected rivers mentioned in this declaration; and

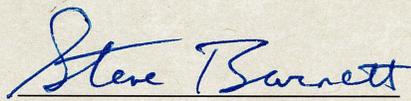
Be It Further Ordered, This executive order shall expire upon conclusion of the emergency, but no later than midnight, April 30, 2019.

Dated in Pierre, South Dakota this 19th day of March, 2019.




Kristi Noem
Governor of South Dakota

ATTEST:


Steve Barnett
Secretary of State