



— State of —
North Dakota
Office of the Governor

Doug Burgum
Governor

Executive Order 2019-04

WHEREAS, due to late winter snowfalls and extended cold weather, agricultural producers in North Dakota face a delayed spring season, resulting in a limited timeframe for planting and treating fields with anhydrous ammonia and other fertilizers; and,

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

WHEREAS, drivers of commercial trucks must move greater amounts of anhydrous ammonia and other fertilizers 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 anhydrous ammonia and other fertilizer resources are available during this compressed spring planting season; and,

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

NOW, THEREFORE, Doug Burgum, as Governor of the State 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 North Dakota Century Code § 39-32-02 pertaining to hours of service for drivers of commercial motor vehicles transporting anhydrous ammonia and other fertilizers.


This order is issued based upon the foregoing and 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 the driver 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 through May 31, 2019.

Executed at Bismarck, North Dakota, this 23rd day of April 2019.



Doug Burgum
Governor

ATTEST:



Secretary of State