



State of
North Dakota

Office of the Governor

Doug Burgum
Governor

Executive Order 2017-18.1

WHEREAS, the people of North Dakota are faced with extremely low inventories of petroleum products, resulting from a late harvest, weather-related market disruptions and outages in two regional refineries; and,

WHEREAS, North Dakota farmers have an increased need for propane fuel to dry late-harvested grain and drought conditions experienced during the 2017 growing season; and,

WHEREAS, colder than normal temperatures in mid-to-late October and early November will increase the demand for petroleum products for other retail uses, including home heating; and,

WHEREAS, a waiver of hours of service requirements would ensure that carriers, agribusiness, farmers and other consumers can secure, obtain, transport and deliver petroleum products to meet the needs of this state; and,

WHEREAS, the state Agriculture Commissioner has requested an hours of service waiver be granted, to ensure that sufficient petroleum products are available during the fall and winter months; and

WHEREAS, it is the responsibility of the state to assist the people of North Dakota in addressing the 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 North Dakota Century Code § 39-32-02 pertaining to hours of service and Parts 390-399 of the Federal Motor Carrier Safety regulations for drivers of commercial motor vehicles transporting propane, gasoline and diesel fuel to retail suppliers.

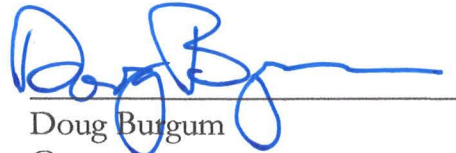
This order is issued on the foregoing bases and under the following conditions:

1. All state and federal 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 supersedes Executive Order 2017-18, issued October 31, 2017. This order is effective immediately and shall remain in effect for thirty days.

Executed at Bismarck, North Dakota, this 3rd day of November 2017.



Doug Burgum
Governor

ATTEST:



Secretary of State

Deputy