



EXECUTIVE ORDER 2021-16

WHEREAS, North Dakota experienced record drought conditions during the 2021 growing season, significantly impacting the state's agribusiness and limiting the use of anhydrous ammonia and other fertilizers to farmland; and,

WHEREAS, recent rainfall in many parts of the state has created favorable conditions for the application of anhydrous ammonia and other fertilizers, at a time when fertilizer supply is extremely limited; 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 to meet the demands of agricultural producers; 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 for thirty days.

Executed at Bismarck, North Dakota, this 19th day of October, 2021.




Doug Burgum
Governor

ATTEST:



Secretary of State


Deputy