



### Executive Order 2024-01

**WHEREAS**, the people of North Dakota are faced with extremely low inventories of propane supplies resulting from market conditions impacted by severe seasonal weather and increased heating fuel demands; and,

**WHEREAS**, the lack of adequate heating fuel poses an immediate risk to public health, safety and welfare; and

**WHEREAS**, a waiver of 49 CFR Parts 390 through 399 of the U.S. Department of Transportation's Federal Motor Carrier Safety Regulations would ensure that motor carriers and drivers can secure, obtain, transport and deliver propane supplies to residential customers to meet the needs of the state; and,

**WHEREAS**, nothing contained in this order shall be construed as an exemption from the controlled substances, alcohol use and testing requirements under 49 CFR Part 382; the commercial driver's license requirements under 49 CFR Part 383; the financial responsibility requirements under 49 CFR Part 387; the hazardous material regulations under 49 CFR Parts 100 to 180; applicable size and weight requirements; or any other portion of the regulations not specifically authorized pursuant to 49 CFR 390.23; 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 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 49 CFR Parts 390 through 399, otherwise known as the Federal Motor Carrier Safety Regulations, and North Dakota Century Code § 39-32-02 pertaining to hours of service for drivers of commercial motor vehicles transporting propane supplies.

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

1. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services not directly supporting the emergency relief effort.
2. All road safety and vehicle compliance regulations still apply and will be fully enforced.
3. Nothing in this order shall be construed to relieve carriers operating under this order from regulations pertaining to the safe operation of commercial motor vehicles.
4. 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 is effective immediately and shall remain in effect for 30 days.

Dated this 17<sup>th</sup> day of January, 2024.



Doug Burgum  
Governor

ATTEST:



Secretary of State

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Deputy

