



## EXECUTIVE ORDER 2022-06

**WHEREAS**, a state wide emergency has been declared through executive order 2022-05 in response to the spring storm of April 22-24, 2022, that caused significant damage to infrastructure across the entire State including but not limited to roads, culverts, bridges and power poles and lines;

**WHEREAS**, the State of North Dakota initiated a whole-of-government approach to mobilize public and private partners to assist in recovering power outages in affected counties;

**WHEREAS**, relief is needed to swiftly and adequately aid in the restoration of power to communities still experiencing outages;

**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 carriers, contractors and rural electric cooperative workers can enter North Dakota to assist with restoration of power to the affected areas in 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 federal regulations not specifically authorized pursuant to 49 CFR 390.23; and,

**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 supplies related to restoration of electric utilities in the affected Counties.


This order is issued on the following bases and for the following reasons:

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.
4. The ND trip and fuel permit requirements and fees are temporarily waived.
5. Motor carriers or drivers currently subject to an out of service order are not eligible for the relief granted by this order until the applicable conditions have been met and the out of service order has been rescinded.
6. This Executive Order serves as the permit for trip and fuel and MUST be carried in the vehicles operating direct support of the declared emergency under the stated exemptions.

This order is effective immediately and shall remain in effect for 30 days.

Executed at Bismarck, North Dakota, this 29<sup>th</sup> day of April, 2022.



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Doug Burgum  
Governor

ATTEST:



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Al Jaeger  
Secretary of State