



Executive Order 2021-10

WHEREAS, North Dakota experienced a winter season that was warmer and drier than average, followed by a warmer and drier spring season; producers state wide are in the fields doing concentrated spring work; and,

WHEREAS, the warm, dry conditions have increased the demand for fertilizer volumes statewide; and,

WHEREAS, drivers of commercial trucks are called on to move larger amounts of anhydrous ammonia and other fertilizers in a compressed time frame, to enable producers state wide 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 to meet the demand 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 until May 31, 2021.

Executed at the State Capitol in Bismarck, North Dakota, this 4th day of May, 2021.



Doug Burgum
Governor

ATTEST:



Secretary of State