



State of  
**North Dakota**  
*Office of the Governor*

John Hoeven  
*Governor*

**Executive Order 2009-01**

**WHEREAS**, North Dakota continues to experience significantly lower temperatures and heavy snowfall, which has greatly increased the demand for winter blend diesel fuel; and

**WHEREAS**, the increase demand has caused extremely low inventories of winter blend diesel fuel causing drivers of delivery trucks to wait for several hours at alternative terminals across state and region for loading, which limits their ability to transport product; and

**WHEREAS**, rural farmers' cooperatives that supply diesel fuel to farmers have experienced shortages; in addition, over-the-road distribution trucks can only operate using winter blend diesel fuel in very cold temperatures; and

**WHEREAS**, two refineries in Montana have shutdown or slowed production for diesel fuel because of fires and mechanical problems; 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**, I, John Hoeven, Governor of North Dakota, by virtue of the authority vested in me by Article V, Section 1 of the North Dakota Constitution and North Dakota Century Code § 37-17.1, do hereby declare 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 while transporting fuels to customers.

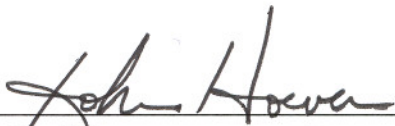
This order is issued on the foregoing bases and on the following conditions:

1. Nothing in this order shall be construed to relieve carriers operating under this order from regulations under state law pertaining to qualifications of drivers, driving of commercial motor vehicles, or parts and accessories necessary for the safe operation of vehicles.

1. 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 shall be effective 12:02 a.m. CDT January 14, 2009, and remain in effect until 12:01 a.m. CDT January 21, 2009, or for the duration of the emergency, whichever is less.

Executed at Bismarck, North Dakota, this 13 day of January 2009.

  
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John Hoeven  
Governor

ATTEST:

  
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Secretary of State

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Deputy