STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2020-04

Whereas, An outbreak of the disease, COVID-19, which is caused by the novel coronavirus, started in late 2019 and has currently been detected in more than 100 countries, including the United States; and,

Whereas, COVID-19 is a severe respiratory disease transmitted by the person-to-person spread of the novel coronavirus; and,

Whereas, The World Health Organization ("WHO"), the Centers for Disease Control and Prevention ("CDC"), and the Secretary of the U.S. Department of Health and Human Services have declared the COVID-19 outbreak a public health emergency; and,

Whereas, The CDC has issued guidance to all state and local governments and all citizens recommending preparedness to prevent community spread and guard against the COVID-19 outbreak; and,

Whereas, COVID-19 is a public health emergency posing danger to public health and safety in all of South Dakota; and,

Whereas, The impending threat of COVID-19 is a health emergency requiring the State to deploy resources and implement the emergency powers of the Governor to protect the health and safety of South Dakotans:

NOW, THEREFORE, I, KRISTI NOEM, Governor of the State of South Dakota, by the authority vested in me by the Constitution and the Laws of this State, including but not limited to SDCL 34-48A, do hereby declare that a state of emergency exists within the State of South Dakota and hereby order and direct the following:

Section 1 Declaration: I do hereby declare that a State of Emergency exists in all counties in the State of South Dakota and direct the plans and procedures of the State Emergency Operations Plan to be implemented. State agencies and departments are directed to utilize state resources and to do everything reasonably possible to assist efforts to respond to and recover from the emergency.

Section 2 Oversight: I direct and order that the South Dakota Department of Health, by and through the secretary, has the authority and oversight of measures to control and contain the spread of COVID-19, and other agencies to identify and utilize appropriate state personnel and resources for conducting necessary and ongoing incident related assessments.

Section 3 Motor Carrier Regulations: Notwithstanding SDCL 49-28A-3 and 49 CFR Parts 390-399 of the U.S. Department of Transportation Motor Carrier Safety Regulations, I direct and order that the transportation and delivery of emergency relief supplies and services such as vaccines, antivirals, prescription drugs, protective equipment, and other necessary medical assets, into or within South Dakota shall be exempt from 49 CFR Parts 390 to 399, otherwise known as the federal motor carrier safety regulations, subject to the following conditions:

A. Transport companies, while under this declaration, shall not require or allow fatigued drivers to operate a motor vehicle, and a driver who informs a carrier that the driver needs immediate rest shall be given adequate rest before the driver is required to return to service; and,

B. Nothing contained in this declaration shall be construed as an exemption from the controlled substances, alcohol use, and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), the financial responsibility requirements (49 CFR Part 387), applicable size and weight requirements, or any other portion of the regulations not specifically identified; and,

C. Upon the request of a driver, a commercial motor carrier operating under this declaration must give the driver at least thirty-four (34) consecutive hours off when the driver has been on duty for more than seventy (70) hours during any eight (8) consecutive days; and,

D. Motor carriers that have an out-of-service order in effect may not take advantage of the relief from regulations that this declaration provides pursuant Title 49 CFR 390.23; and,

E. Upon the expiration of this declaration, or when a driver has been relieved of all duty and responsibility to transport necessary medical assets under the conditions of this declaration, a driver who has had at least thirty-four (34) consecutive hours off duty shall be permitted to start the driver's on-duty status hours with the 60/70 hour clock at zero.

Section 4 Resources: I direct and order the Department of Health and any other agency of the State of South Dakota to seek and accept any funding or other resources from any entity, governmental or private, to treat, control, and stop the spread of COVID-19.

BE IT FURTHER ORDERED, This Executive Order shall be in effect immediately and shall continue for thirty (30) days until expiration on April 12, 2020, unless sooner terminated or extended in writing.

Dated in Pierre, South Dakota this 13th day of March, 2020.

Kristi Noem
Governor of South Dakota

ATTEST:

Steve Barnett
Secretary of State