



EXECUTIVE ORDER 2026-08

WHEREAS, the Governor is responsible for minimizing or averting the adverse effects of a disaster or emergency pursuant to North Dakota Century Code § 37-17.1-05; and,

WHEREAS, North Dakota Century Code § 37-17.1-04 defines an "emergency" as a situation determined by the Governor to require state response or state and federal response or mitigation actions to protect lives and property, provide for public health and safety, or avert or lessen the threat of a disaster; and,

WHEREAS, adequate supplies of gasoline and diesel fuel are essential to the movement of people, products, and supplies and to the harvesting and transportation of agricultural commodities; and,

WHEREAS, the Federal Motor Carrier Safety Administration has determined that current global supply disruptions and anticipated increases in demand for gasoline and diesel fuel during the late summer and fall warrant temporary flexibility for motor carriers transporting gasoline and diesel fuel, and has issued a waiver effective September 16, 2026, through December 16, 2026, to facilitate the timely and efficient distribution and delivery of fuel for transportation providers, agricultural harvesting, and the traveling public; and,

WHEREAS, the United States Energy Information Administration reported that national distillate fuel inventories stood at approximately 107.4 million barrels for the week ending September 18, 2026, representing approximately 29 days of supply and underscoring the continued need for measures that facilitate the efficient use and distribution of available diesel fuel supplies; and,

WHEREAS, North Dakota's agricultural producers are presently engaged in harvesting, transportation, storage, and marketing activities requiring substantial quantities of diesel fuel, and the timely availability of fuel is necessary to prevent disruptions to agricultural operations and the movement of agricultural commodities; and,

WHEREAS, North Dakota law recognizes the special treatment of dyed special fuel used for agricultural purposes, including the exemption from the special fuel tax imposed under North Dakota Century Code § 57-43.2-02 and taxation under § 57-43.2-03; and,

WHEREAS, North Dakota Century Code § 57-43.2-41 currently provides that dyed special fuel generally may not be used in the fuel supply tank of a licensed motor vehicle and imposes administrative fees of \$500 for a first violation, \$2,000 for a second violation, \$4,000 for a third violation, and \$10,000 for a fourth or subsequent violation occurring within the specified period; and,

WHEREAS, North Dakota Century Code § 57-43.2-41 thereby limits the ability of agricultural producers and other users of dyed special fuel to utilize fuel already lawfully purchased and stored for tax-exempt purposes in licensed motor vehicles when such vehicles are needed to support agricultural operations, transportation, harvesting, and related activities; and,

WHEREAS, North Dakota Century Code § 37-17.1-05(6)(a) authorizes the Governor, during a declared disaster or emergency, to suspend provisions of regulatory statutes when strict compliance would prevent, hinder, or delay necessary action in managing the disaster or emergency; and,

WHEREAS, North Dakota Century Code § 37-17.1-05(6)(j) further authorizes the Governor, during a disaster or emergency, to make provisions for the control, allocation, and use of quotas for critical shortages of fuel or other life- and property-sustaining commodities; and,

WHEREAS, temporarily allowing the use of dyed special fuel in licensed motor vehicles, specifically motor vehicles used in connection with agricultural operations, will increase the immediately available supply of diesel fuel for harvesting, transportation, and other essential activities without requiring the acquisition of additional fuel supplies; and,

WHEREAS, temporary suspension of the restrictions and administrative fees imposed by North Dakota Century Code § 57-43.2-41 is necessary to facilitate the efficient use of available diesel fuel supplies, reduce disruptions to agricultural operations and transportation, and mitigate the effects of the current fuel-supply emergency; and,

WHEREAS, the temporary relief provided by this Order is limited to the duration of the emergency and is intended to supplement, rather than replace, other state and federal measures addressing the availability and distribution of diesel fuel.

NOW, THEREFORE, Kelly Armstrong, as Governor of North Dakota, by virtue of the authority vested under Article V, Section 1, North Dakota Constitution and Chapter 37-17.1, North Dakota Century Code, hereby declares that a state of emergency exists throughout the State of North Dakota as a result of conditions affecting the supply and availability of diesel fuel and hereby orders and directs as follows:

1. Pursuant to North Dakota Century Code § 37-17.1-05, a statewide state of emergency is hereby declared due to conditions affecting the availability and distribution of diesel fuel and the resulting threat to agricultural harvesting, transportation, commerce, and the movement of essential goods and services.
2. Effective immediately, and notwithstanding North Dakota Century Code § 57-43.2-41(1), the prohibition against the use of dyed special fuel in the fuel supply tank of a licensed motor vehicle is hereby suspended throughout the State of North Dakota to the extent necessary to permit the use of dyed special fuel in licensed motor vehicles for:
 - a. Agricultural purposes;
 - b. Transportation of agricultural commodities, livestock, grain, feed, seed, fertilizer, equipment, and other agricultural inputs or products; and
 - c. Harvesting, transporting, storing, processing, or marketing agricultural products.
3. For conduct occurring during the period this Order is in effect and within the scope of Section 2 of this Order, the administrative fees imposed under North Dakota Century Code § 57-43.2-41(1)(a) through (d) are hereby suspended.
4. A state department, agency, officer, or political subdivision may not assess or collect an administrative fee under § 57-43.2-41(1)(a) through (d) against a person solely because dyed special fuel is present in the fuel supply tank of a licensed motor vehicle when the use of that fuel is authorized under this Order.
5. The North Dakota Highway Patrol, the State Tax Commissioner, and all other state agencies and officers shall administer and enforce North Dakota law consistently with this Order.
6. A citation or enforcement action may not be issued or maintained under § 57-43.2-41 solely on the basis of conduct authorized by this Order.
7. This Order does not prohibit the inspection, sampling, testing, or investigation of fuel pursuant to North Dakota law.
8. Except as otherwise provided in this Order, all applicable provisions of North Dakota Century Code Title 57 remain in effect and this Order does not suspend, waive, or alter any state or federal tax imposed on the use or sale of special fuel, except to the extent expressly provided herein.
9. This Order does not authorize conduct prohibited by federal law or regulation. A person using dyed special fuel pursuant to this Order remains responsible for compliance with all applicable federal requirements.

This order is issued pursuant to the following authority and for the following reasons:

1. The Governor is vested with the executive authority pursuant to Article V, Section 1 of the North Dakota Constitution; and,
2. The Governor is vested with statutory authority to issue executive orders to minimize or avert the effects of a disaster or emergency pursuant to Chapter 37-17.1 of the North Dakota Century Code; and,
3. A coordinated and effective effort of all State departments is required to minimize the impact of disasters and emergencies in this state.

This order is in effect immediately and shall remain in effect through November 30, 2026, unless modified or rescinded earlier.

Executed at the State Capitol in Bismarck, North Dakota, this 27th day of September, 2026.



Kelly Armstrong
Governor

Attest:



Michael Howe
Secretary of State