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STATE of NEBRASKA  
EXECUTIVE OFFICE  
LINCOLN

EXECUTIVE ORDER

No. 92-5

WHEREAS, an emergency currently exists in Nebraska with regard to the operations of certain ag-related farm service industries, because seasonal drivers in those industries are required by law to obtain a commercial driver's license (CDL); and

WHEREAS, getting those drivers into compliance would seriously jeopardize harvesting operations for those certain ag-related businesses in this state; and

WHEREAS, the situation is of grave and immediate concern because of the enormous impact on Nebraska's agricultural sector and the subsequent effect on the state's economy; and

WHEREAS, the situation is aggravated by the current inability to remedy the problem through legislative action; and

WHEREAS, the Federal Highway Administration ("FHWA") has granted the states authority to waive certain drivers of custom harvesters from the commercial drivers licensing requirements of 49 C.F.R. Part 383, and has determined that a waiver would not be contrary to the public interest and would not diminish the safe operation of commercial motor vehicles; and

WHEREAS, executive authority is given me to issue an executive order accepting the waiver under Article IV, Section 6 of the Nebraska Constitution;

NOW, THEREFORE, I, E. BENJAMIN NELSON, GOVERNOR OF THE STATE OF NEBRASKA, DO HEREBY ACCEPT the waiver authority granted the state by FHWA and HEREBY PROCLAIM the following waiver criteria to waive resident and nonresident drivers for custom harvesters from the requirements of the commercial driver's license:

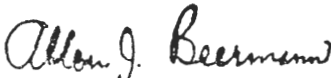
- 1.0 Drivers for Custom Harvesters. Drivers for custom harvesters will not be required to secure a CDL under the following conditions:
  - 1.0A Between June 1 through December 1, 1992;
  - 1.0B When operating within 150 miles of the farm being served;
  - 1.0C When operating within the State of Nebraska;

- 1.0D When driving Class B and C vehicles engaged in hauling grain or other seasonally harvested products from the field where harvested to storage or market;
- 1.0E When engaged in other activities normally associated with movement of equipment and grain.
- 1.1 Drivers for custom harvesters will be required to secure CDL's to operate the following:
  - 1.1A Class A vehicles
  - 1.1B Any Class B or C vehicle towing a trailer in excess of 10,000 pounds Gross Vehicle Weight Rating.
- 2.0 Disqualification Penalties applicable to drivers for custom harvesters. When operating a vehicle under this Executive Order the driver will be subject to all commercial motor vehicle licensing disqualification penalties.
- 3.0 Effective Date. This Executive Order shall take effect immediately.
- 4.0 Expiration Date. This Executive Order shall expire on December 31, 1992, or when legislation adopting the waiver becomes effective, whichever occurs first.

Dated this 22<sup>nd</sup> day of May, 1992.

  
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E. BENJAMIN NELSON  
Governor

ATTEST:

  
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ALLEN J. BEERMANN  
Secretary of State

