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Allen Belman
SECRETARY OF STATE

By

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STATE of NEBRASKA
EXECUTIVE OFFICE

LINCOLN

EXECUTIVE ORDER

No. 93-5

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 Nebraska Legislature, through the passage of LB 420 during the 1993 legislative session has addressed the need for Restricted Commercial Drivers License (RCDL's) however, such legislation will not be fully implemented in time to remedy the current situation; and

WHEREAS, the Federal Highway Administration (FHWA) has granted the state's authority to waive certain drivers of certain harvesters from the commercial driver's licensing requirements of 49 CFR 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 excepting the waiver under Article V, 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:

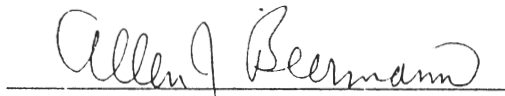
- 1.0 Drivers of Custom Harvesters - Drivers for certain harvesters will not be required to secure a CDL under the following conditions;
 - 1.0A Between July 7 through September 8, 1993;
 - 1.0B When operating within 150 miles to or from the farm being served;
 - 1.0C When operating within the State 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; or

- 1.0E When engaged in activities normally associated with the movement of equipment and grain.
- 1.1 Drivers of custom harvesters will be required to secure CDL's to operating 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 September 8, 1993.

Given under my hand and the great seal of the State of Nebraska in the City of Lincoln, this 16th day of July, 1993.


E. BENJAMIN NELSON

Attest:


Allen J. Beermann, Secretary of State



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SECRETARY OF STATE
By _____