

# State of South Carolina

## Executive Department



### Office of the Governor

#### EXECUTIVE ORDER NO. 2018-49

**WHEREAS**, federal law limits the hours operators of commercial motor vehicles may drive vehicles transporting materials pursuant to 49 C.F.R. §§ 390 *et seq.* and establishes certain weight limitations for vehicles on interstate highways pursuant to 23 U.S.C. § 127, and both the Federal Motor Carrier Safety Administration and the Governor of a State may suspend certain requirements in an emergency related to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles responding to an emergency pursuant to 23 U.S.C. § 127, 49 C.F.R. § 390.23; and

**WHEREAS**, the Federal Motor Carrier Safety Administration, the Governor of South Carolina, the Governor of North Carolina and the Governor of Georgia have all suspended certain requirements related to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles due to recent emergencies; and

**WHEREAS**, the multiple, separate suspensions can be confusing, the undersigned issues this Executive Order to clarify existing waivers in place, and then provide a summary of current suspension of regulations and expiration dates:

1. On September 24, 2018, the undersigned issued Executive Order 2018-42 and declared a State of Emergency exists in South Carolina for fifteen (15) days due to additional flooding expected to occur from water flowing downstream as a result of the heavy rains in North Carolina from Hurricane Florence through the Waccamaw River, the Little Pee Dee River, the Great Pee Dee River, and the Lynches River, converging and emptying into Winyah Bay; and
2. On October 8, 2018, the undersigned issued Executive Order 2018-47 suspending requirements related to registration, permitting, length, width, weight and load to allow assistance in responding to Hurricane Florence and the devastation it left, to include transportation of vehicles bearing equipment and supplies for utility restoration and debris removal; vehicles transporting essentials such as food, water, fuel, oils, and medicine and medical supplies; and vehicles transporting livestock and poultry, feed

- for livestock and poultry, and crops, timber, and agricultural products ready to be harvested in the threatened areas; and
3. On October 9, 2018, the undersigned declared a new State of Emergency exists in South Carolina for fifteen (15) days due to current conditions that remained from Hurricane Florence (flood waters have not yet receded, bridges and roads are still closed, a shelter is still open, and the ground is heavily saturated with water), coupled with the threat of Hurricane Michael's heavy rains and strong winds and the predicted impact to already devastated areas; and
  4. On October 9, 2018, the Federal Motor Carrier Safety Administration issued a Regional Emergency Declaration Under 49 CFR §390.23, attached, waiving compliance with Parts 390 through 399 of Title 49 Code of Federal Regulations for commercial transportation operations providing direct assistance and supporting emergency relief efforts to areas impacted by Hurricane Michael, such as transporting supplies, equipment, persons, fuel, and other necessary relief into and from Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee ("Affected States"), which is in place for the duration of the emergency or until 11:59 P.M. November 9, 2018, whichever is less; and
  5. When a state of emergency is declared in North Carolina or Georgia that triggers relief under 49 C.F.R. § 390.23, an emergency shall be declared in South Carolina and similar relief provided pursuant to section 56-5-70(B) of the South Carolina Code of Laws; and
  6. On October 10, 2018 the Governor of North Carolina issued Executive Order No. 74 on October 10, 2018, attached, declaring that a state of emergency exists due to the lasting impact from Hurricane Florence and expected impact of Hurricane Michael, and Executive Order No. 75 suspending requirements related to registration, permitting, length, width, weight, load, and hours of service for certain commercial vehicles to ensure North Carolina highways have an uninterrupted supply and transportation of equipment and supplies for persons transporting essential fuels, food, water, medical supplies, and feed for livestock and poultry; (2) persons transporting livestock and poultry, and crops ready to be harvested; and (3) vehicles used in the restoration of utility services, effective for thirty (30) days or the duration of the emergency, whichever is less; and
  7. On October 9, 2018, the Governor of Georgia issued an Executive Order declaring that a state of emergency exists due to Hurricane Michael and its effects in named counties, amending counties in a new Executive Order on October 10, 2018, both of which are attached, and then suspended requirements related to registration, permitting, length, width, weight, load, and hours of service for certain commercial vehicles to ensure the uninterrupted supply and transportation of petroleum products, emergency or disaster related materials, supplies and other goods and services (to include any agricultural harvests or other food products), for one week, ending on October 16, 2018 at 11:59 PM.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, to ensure consistency in all the above orders for ease of transportation throughout the states assisting those areas affected by Hurricane Florence or Hurricane Michael, and considering the Federal Motor Carrier Safety Administration's issuance of a Regional Emergency Declaration Under 49 CFR §390.23 and the similar relief provided through Executive Orders issued in North Carolina and Georgia, I hereby suspend the federal rules and regulations that restrict certain registration, permitting, length, width, weight, load, and hours of service requirements as fully set forth below, for commercial vehicles responding to the existing emergency in the Affected States from both Hurricane Florence and Hurricane Michael. Accordingly, I direct the South Carolina Department of Transportation, the South Carolina Department of Public Safety, and the State Transport Police, as needed, to suspend application and enforcement of such federal rules and regulations, in conjunction with S.C. Code Ann. §§ 56-5-4010 *et seq.*, which establish size, weight, and load requirements for South Carolina highways, to ensure the uninterrupted supply of equipment, goods, services, agriculture needs, and other items needing to be moved on the highways in the Affected States, to include, but not limited to:

- (1) Persons and vehicles transporting essential fuels (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), food, water, medicine and medical supplies; and
- (2) Persons and vehicles transporting livestock, poultry, feed for livestock and poultry, and crops, timber, wood chips, and other agricultural products ready to be harvested in the threatened areas; and
- (3) Persons and vehicles used in or transporting materials necessary for the restoration of utility services and debris removal.

The undersign hereby revokes Executive Order 2018-47 issued on October 8, 2018, and Executive Order 2018-49 shall stand in its place.

**IT IS FURTHER ORDERED** that although the federal rules and regulations that restrict registration, permitting length, width, and load requirements are waived, drivers in South Carolina are subject to the following state requirements to ensure safety on the roads:

- (a) Weight, height, length, and width for any such vehicle on roadways maintained by the State of South Carolina shall not exceed for continuous travel on all non-interstates, United States, and South Carolina designated routes maximum dimensions of 12' wide, 13'6" high and weights of 90,000 pounds.
- (b) Posted bridges may not be crossed.
- (c) All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall provide appropriate documentation indicating it is responding to this emergency.
- (d) Any dimensions and/or weight of vehicles that exceed the above must obtain a permit with defined routes from the South Carolina Department of

Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after regular business hours.

- (e) Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversize/overweight loads operating on South Carolina roadways.

**FURTHER**, this emergency justifies an extension of the suspension of 49 C.F.R. Part 395 (drivers' hour of service). However, nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. § 383 or the financial requirements in 49 C.F.R. § 387.

**FURTHER**, with respect to drivers' hours of service, the suspension shall be in place for the duration of the emergency or until 11:59 P.M. November 9, 2018, in accordance with 49 C.F.R. § 390.23 and section 56-5-70(D) of the South Carolina Code of Laws. This date is consistent with the Federal Motor Carrier Safety Administration's Regional Emergency Declaration and North Carolina's Executive Order, and provides a longer time-period than Georgia's Executive Order. However, with respect to requirements relating to registration, permitting, length, width, weight, and load, these are suspended for commercial and utility vehicles traveling on non-interstate routes for up to one hundred twenty (120) days, so long as in response to emergency needs as set forth above, pursuant to the provisions of section 56-5-70(A) of the South Carolina Code of Laws.

**GIVEN UNDER MY HAND AND THE  
GREAT SEAL OF THE STATE OF SOUTH  
CAROLINA, THIS 11th DAY OF OCTOBER,  
2018.**



**HENRY MCMASTER**  
Governor



ATTEST:  
  
**MARK HAMMOND**  
Secretary of State



**Federal Motor Carrier  
Safety Administration**

**Southern Service Center  
1800 Century Blvd., Ste. 1700  
Atlanta, GA 30345**

**October 9, 2018**

**REGIONAL EMERGENCY DECLARATION UNDER 49 CFR § 390.23  
No. 2018-008**

**ALABAMA, FLORIDA, GEORGIA, LOUISIANA, MISSISSIPPI, NORTH CAROLINA,  
SOUTH CAROLINA, TENNESSEE**

In accordance with the provisions of 49 CFR § 390.23, the Regional Field Administrator for the Federal Motor Carrier Safety Administration's (FMCSA) Southern Service Center, hereby declares that an emergency exists that warrants issuance of a Regional Emergency Declaration and an exemption from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs), except as otherwise restricted by this Emergency Declaration. Such emergency is in response to Hurricane Michael, and its anticipated effects on people and property, including the immediate threat to human life or public welfare from high winds, heavy rains, high surf, storm surge and flooding. Affected States and jurisdictions included in this Emergency Declaration are: Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. This Emergency Declaration is needed to address anticipated emergency conditions in the Affected States and jurisdictions creating a need for immediate transportation of supplies, equipment and persons, and provides necessary relief.

By execution of this Emergency Declaration, motor carriers and drivers providing direct assistance to the emergency in the Affected States and jurisdictions in direct support of relief efforts related to Hurricane Michael are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations except as restricted herein.

This Emergency Declaration provides for regulatory relief for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts transporting supplies, equipment, fuel and persons into and from the Affected States and jurisdictions or providing other assistance in the form of emergency services during the emergency in the Affected States and jurisdictions from Hurricane Michael. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services not directly supporting the emergency relief effort or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. Upon termination of direct assistance to the emergency relief effort, the motor carrier and driver are subject to the requirements of 49 CFR Parts 390 through 399, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with Parts 390 through 399. However, if the driver informs the motor carrier that he or she needs immediate rest, the driver must be permitted at least 10 consecutive hours off duty before the driver is required to return to the motor carrier's

terminal or the driver's normal reporting location. Once the driver has returned to the terminal or other location, the driver must be relieved of all duty and responsibilities and must receive a minimum of 10 hours off duty if transporting property, and 8 hours if transporting passengers.

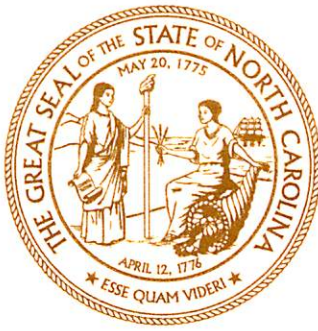
Nothing contained in this Emergency Declaration shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), the financial responsibility (insurance) requirements (49 CFR Part 387), the hazardous material regulations (49 CFR Parts 100-180), applicable size and weight requirements, or any other portion of the regulations not specifically authorized pursuant to 49 CFR § 390.23.

Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this declaration until they have met the applicable conditions for its rescission and the order has been rescinded by FMCSA.

In accordance with 49 CFR § 390.23, this declaration is effective immediately and shall remain in effect for the duration of the emergency (*as defined in 49 CFR § 390.5*) or until 11:59 P.M. (ET), November 9, 2018, whichever is less.

A handwritten signature in black ink, appearing to read "Darrell L. Ruban", with a stylized flourish at the end.

Darrell L. Ruban, Regional Field Administrator  
Federal Motor Carrier Safety Administration  
Southern Service Center



# State of North Carolina

**ROY COOPER**  
GOVERNOR

October 10, 2018

## EXECUTIVE ORDER NO. 75

### TEMPORARY SUSPENSION OF MOTOR VEHICLE REGULATIONS TO ENSURE RESTORATION OF UTILITY SERVICES AND TRANSPORTING ESSENTIALS

**WHEREAS**, the potential impacts from Hurricane Michael (“Hurricane”) will require the transportation of vehicles bearing equipment and supplies for utility restoration and debris removal, carrying essentials such as food and medicine, transporting livestock and poultry and feed for livestock and poultry, and transporting crops ready to be harvested through North Carolina highways; and

**WHEREAS**, Hurricane Michael is expected make landfall in Florida on October 10, 2018; and

**WHEREAS**, the storm will cause major catastrophic impacts to areas in North Carolina, Florida, and the southeastern United States; and

**WHEREAS**, many states and organizations will be supporting emergency relief efforts in Florida and the southeastern United States and vehicles transporting emergency relief supplies and services will be traveling through North Carolina; and

**WHEREAS**, I have declared that a state of emergency as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(19) exists in the following counties: Alamance, Anson, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Caswell, Chatham, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gates, Granville, Greene, Guilford, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Martin, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Randolph, Richmond, Robeson, Rockingham, Sampson, Scotland, Stokes, Surry, Tyrrell, Vance, Wake, Warren, Washington, Wayne, Wilson, and Yadkin.

**WHEREAS**, the State of North Carolina remains under a state of emergency to assist with the recovery from Hurricane Florence; and

**WHEREAS**, the uninterrupted supply of electricity, fuel oil, diesel oil, gasoline, kerosene, propane, liquid petroleum gas, food, water, livestock and poultry feed, and medical supplies to residential and commercial establishments is essential before, during, and after the storm and any interruption in the delivery of those commodities threatens the public welfare; and

**WHEREAS**, the prompt restoration of utility services is essential to the safety and well-being of the State’s residents; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(3), the Governor, with the concurrence of the Council of State, may regulate and control the flow of vehicular traffic and the operation of transportation services; and

**WHEREAS**, with the concurrence of the Council of State, I have found that vehicles engaging in debris removal, bearing equipment and supplies for utility restoration, and carrying essentials are exempt from certain registration requirements set forth in N.C. Gen. Stat. §§ 20-86.1 and 20-382, fuel tax requirements set forth in N.C. Gen. Stat. §§ 105-449.45, 105-449.47, and 105-449.49, and size and weight requirements set forth in N.C. Gen. Stat. §§ 20-116, 20-118, and 20-119; and

**WHEREAS**, I have found that the State's residents may suffer losses and will likely suffer imminent further widespread damage within the meaning of N.C. Gen. Stat. §§ 166A-19.3(3) and 166A-19.21(b); and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.70(g), upon the recommendation of the North Carolina Commissioner of Agriculture and the existence of an imminent threat of severe economic loss of livestock, poultry or crops ready to be harvested, the Governor shall direct the North Carolina Department of Public Safety ("DPS") to temporarily suspend weighing vehicles used to transport livestock, poultry or crops ready to be harvested; and

**WHEREAS**, 49 C.F.R. § 390.23 allows the Governor of a state to suspend the rules and regulations under 49 C.F.R. Parts 390-399 for up to thirty (30) days if the Governor determines that an emergency condition exists; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.70, the Governor may declare that the health, safety, or economic well-being of persons or property requires that the maximum hours of service for drivers prescribed by N.C. Gen. Stat. § 20-381 should be waived for (1) persons transporting essential fuels, food, water, medical supplies, and feed for livestock and poultry, (2) persons transporting livestock, poultry, and crops ready to be harvested and (3) vehicles used in the restoration of utility services.

**NOW, THEREFORE**, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

**Section 1.**

For purposes of this Executive Order, the emergency area is comprised of the following counties: Alamance, Anson, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Caswell, Chatham, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gates, Granville, Greene, Guilford, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Martin, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Randolph, Richmond, Robeson, Rockingham, Sampson, Scotland, Stokes, Surry, Tyrrell, Vance, Wake, Warren, Washington, Wayne, Wilson, and Yadkin (collectively referred to as "the Emergency Area") the

**Section 2.**

DPS, in conjunction with the North Carolina Department of Transportation ("DOT"), shall waive the maximum hours of service for drivers prescribed by DPS pursuant to N.C. Gen. Stat. § 20-381.

**Section 3.**

DPS, in conjunction with DOT, shall waive certain size and weight restrictions and penalties arising under N.C. Gen. Stat. §§ 20-116, 20-118, and 20-119, certain registration requirements and penalties arising under N.C. Gen. Stat. §§ 20-86.1 and 20-382, and certain registration and filing requirements and penalties arising under N.C. Gen. Stat. §§ 105-449.45, 105-449.47, and 105-



449.49 for vehicles transporting equipment and supplies for the restoration of utility services and transportation facilities, and vehicles carrying essentials and equipment for any debris removal.

Pursuant to N.C. Gen. Stat. § 20-118.1, DPS shall temporarily suspend weighing vehicles used to transport livestock, poultry, or crops ready to be harvested and feed to livestock and poultry in the Emergency Area.

#### **Section 4.**

Notwithstanding the waivers set forth above, size and weight restrictions and penalties have not been waived under the following conditions:

- a. When the vehicle weight exceeds the maximum gross weight criteria established by the manufacturer (GVWR) or 90,000 pounds gross weight, whichever is less.
- b. When the tandem axle weight exceeds 42,000 pounds and the single axle weight exceeds 22,000 pounds.
- c. When a vehicle and vehicle combination exceed twelve (12) feet in width and the total overall vehicle combination length exceeds seventy-five (75) feet from bumper to bumper.
- d. Vehicles and vehicle combinations subject to exemptions or permits by authority of this Executive Order shall not be exempt from the requirement of having (1) a yellow banner on the front and rear that is seven (7) feet long and eighteen (18) inches wide and bears the legend "Oversized Load" in ten (10) inch black letters 1.5 inches wide and (2) red flags measuring eighteen (18) inches square on all sides at the widest point of the load. In addition, when operating between sunset and sunrise, a certified escort shall be required for loads exceeding eight (8) feet six (6) inches in width.

#### **Section 5.**

Vehicles referenced under Sections 3 and 4 of this Executive Order shall be exempt from the following registration requirements:

- a. The requirement to obtain a temporary trip permit and pay the associated \$50.00 fee listed in N.C. Gen. Stat. § 105-449.49 is waived for such vehicles. No filing of a quarterly fuel tax return is required as the exemption in N.C. Gen. Stat. § 105-449.45(b)(1) applies.
- b. The registration requirements under N.C. Gen. Stat. § 20-382.1 concerning intrastate for-hire authority and N.C. Gen. Stat. § 20-382 concerning interstate for-hire authority are waived; however, vehicles shall maintain the required limits of insurance.
- c. Non-participants in North Carolina's International Registration Plan and International Fuel Tax Agreement will be permitted to enter North Carolina in accordance with the exemptions identified by this Executive Order.

#### **Section 6.**

The size and weight exemption for vehicles will be allowed on all DOT designated routes, except those routes designated as light traffic roads under N.C. Gen. Stat. § 20-118. This order shall not be in effect on bridges posted pursuant to N.C. Gen. Stat. § 136-72.

#### **Section 7.**

The waiver of regulations under Title 49 of the Code of Federal Regulations ("Federal Motor Carrier Safety Regulations") does not apply to the Commercial Drivers' License and Insurance Requirements. This waiver shall be in effect for thirty (30) days or the duration of the emergency, whichever is less.

#### **Section 8.**

The North Carolina State Highway Patrol shall enforce the conditions set forth in Sections 2 through 7 of this Executive Order in a manner that does not endanger North Carolina motorists.

**Section 9.**

Upon request by law enforcement officers, exempted vehicles must produce documentation sufficient to establish that their loads are bearing equipment and supplies for utility restoration, being used for debris removal, carrying essentials in commerce, carrying feed for livestock and poultry, or transporting livestock, poultry or crops ready to be harvested in the State of North Carolina.

**Section 10.**

The gasoline truck tank and vapor system requirements of 15A N.C. Admin. Code 02D.0932(c) shall be waived during this event if Method 27 is followed.

**Section 11.**

This Executive Order does not prohibit or restrict lawfully possessed firearms or ammunition or impose any limitation on the consumption, transportation, sale or purchase of alcoholic beverages as provided in N.C. Gen. Stat. § 166A-19.30(c).

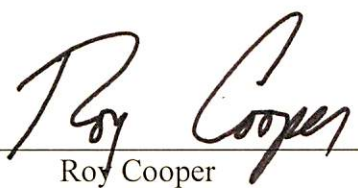
**Section 12.**

Pursuant to N.C. Gen. Stat. § 166A-19.23, this declaration triggers the prohibition against excessive pricing as provided in N.C. Gen. Stat. §§ 75-37 and 75-38 in the Emergency Area.

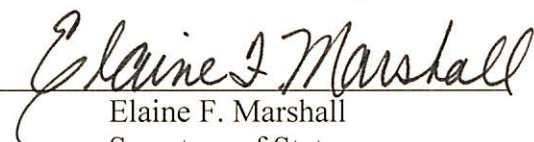
**Section 13.**

This Executive Order is effective immediately and shall remain in effect for thirty (30) days or the duration of the emergency, whichever is less.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 10<sup>th</sup> day of October in the year of our Lord two thousand and eighteen.

  
\_\_\_\_\_  
Roy Cooper  
Governor

**ATTEST:**

  
\_\_\_\_\_  
Elaine F. Marshall  
Secretary of State





# THE STATE OF GEORGIA

## EXECUTIVE ORDER

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BY THE GOVERNOR:

- WHEREAS:** In preparation for the impact of Hurricane Michael on the Gulf Coast of the United States, the State of Georgia must make every effort to be prepared and protect the essential needs of the public; and
- WHEREAS:** This storm system has the potential to have catastrophic impacts to citizens throughout the Gulf Coast region of the United States and significant inland impacts in Georgia; and
- WHEREAS:** Many states and companies directly supporting emergency relief and/or storm preparation efforts will traverse Georgia's roads while transporting supplies, equipment and persons into or from the impacted area; and
- WHEREAS:** On October 9, 2018, The Federal Motor Carrier Safety Administration issued a regional emergency declaration, pursuant to 49 C.F.R. 390.23, to provide regulatory relief for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts transporting supplies, equipment and persons into or from states anticipated to be impacted by Hurricane Michael or providing other assistance in the form of emergency services during the emergency resulting from this storm system; and
- WHEREAS:** In addition to the aforementioned impact from this storm system, the threat exists that the state of Georgia could suffer a shortage of petroleum products, emergency or disaster related materials, supplies, and other goods and services (to include any agricultural harvests or other food products); and
- WHEREAS:** The uninterrupted supply of petroleum products, emergency or disaster related materials, supplies, and goods and services (to include any agricultural harvests or other food products) is an essential need of the public and any perceived or actual shortage threatens public welfare; and
- WHEREAS:** The Federal Motor Carrier safety regulations, 49 C.F.R. 390, et seq., limit the hours operators of commercial motor vehicles may drive; and

**WHEREAS:** 49 C.F.R. 390.23 allows the Governor of a state to suspend these rules and regulations for up to thirty (30) days, if the Governor determines an emergency condition exists.

**NOW, THEREFORE, PURSUANT TO THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY**

**ORDERED:** That pursuant to the authority vested in the governor by O.C.G.A. § 38-3-51, a state of emergency exists in the following Georgia counties: Appling, Atkinson, Bacon, Baker, Baldwin, Ben Hill, Berrien, Bibb, Bleckley, Brantley, Brooks, Bryan, Bulloch, Burke, Calhoun, Camden, Candler, Charlton, Chatham, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Effingham, Emanuel, Evans, Glascock, Glynn, Grady, Hancock, Houston, Irwin, Jeff Davis, Jefferson, Jenkins, Johnson, Jones, Lanier, Laurens, Lee, Liberty, Long, Lowndes, Macon, Marion, McIntosh, Miller, Mitchell, Montgomery, Muscogee, Peach, Pierce, Pulaski, Quitman, Randolph, Richmond, Schley, Screven, Seminole, Stewart, Sumter, Talbot, Tattnall, Taylor, Telfair, Terrell, Thomas, Tift, Toombs, Treutlen, Turner, Twiggs, Upson, Ware, Warren, Washington, Wayne, Webster, Wheeler, Wilcox, Wilkinson, and Worth.

**IT IS FURTHER**

**ORDERED:** That all resources of the State of Georgia be made available to assist in preparation, response, and recovery activities throughout the state of Georgia, and the Georgia Emergency Management and Homeland Security Agency activate the Georgia Emergency Operations Plan.

**IT IS FURTHER**

**ORDERED:** That a State of Emergency exists for the purpose of suspending the federal rules and regulations limiting hours operators of commercial vehicles may drive in order to ensure the uninterrupted supply of petroleum products, emergency or disaster related materials, supplies, goods and services (to include any agricultural or other food products) throughout Georgia. This emergency justifies a suspension of Part 395 (driver's hours of service) of Title 49 of the Code of Federal Regulations. The suspension will remain in effect for one (1) week or until the emergency condition ceases to exist, whichever is less. Nothing herein will be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. 383 and the financial requirements in 49 C.F.R. 387.

**IT IS FURTHER**

**ORDERED:** That no motor carrier operating under the terms of this emergency declaration will require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor vehicle carrier that he or she needs immediate rest will be given at least ten (10) consecutive hours off-duty before being required to return to service.

**IT IS FURTHER**

**ORDERED:** That weight, height and length for any such vehicle traveling through the state of Georgia for the purposes of providing disaster relief and/or preparation, which traverses roadways maintained by the State of Georgia, shall not exceed the following:

- A. A maximum gross vehicle weight for vehicles equipped with five (5) weight bearing axles, with an outer bridge span of not less than fifty one (51) feet, shall not exceed a gross vehicle weight of ninety five (95) thousand pounds, a maximum width of ten (10) feet and an overall length of one hundred (100) feet. Continuous travel is authorized, with the proper escorts.
- B. If the width of said vehicle exceeds eight (8) feet six (6) inches and is traveling after daylight, defined as thirty (30) minutes before sunset to thirty (30) minutes after sunrise, the transporter is required to have a vehicle front and a rear escort/amber light when traveling on a two lane roadway and a vehicle rear escort when traveling on a four lane highway. Transporters are responsible for ensuring they have proper oversize signs, markings, flags and escorts as defined in the Georgia Department of Transportation Rules and Regulations.

**IT IS FURTHER**

**ORDERED:** That commercial vehicles operating outside the normal weight, height and length restrictions under the authority of this Executive Order shall be issued permits by the Georgia Department of Public Safety. Said vehicles shall be subject to any special conditions the Georgia Department of Public Safety may list on applicable permits. Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, nor shall anything in this Executive Order be construed to relieve compliance with restrictions other than those specified in this Executive order or from any statute, rule, order or other legal requirement not specifically waived herein.

Oversize permits may be issued by the Georgia Department of Public Safety, Motor Carrier Compliance Division, during normal business hours, Monday through Friday by calling 404-624-7700 or through the Georgia Permitting and Routing Optimization System online portal at <https://gapros.dot.ga.gov/>.

**IT IS FURTHER**

**ORDERED:** That this Executive Order does not suspend operation of any state or federal law or regulation, except as specifically described herein.

**IT IS FURTHER**

**ORDERED:** That in preparation for Hurricane Michael, price gouging related to goods and services necessary to support recovery and preparation efforts would jeopardize the life, health, and safety of those in the affected areas and would be detrimental to the social and economic welfare of the citizens of this State; as such, O.C.G.A. § 10-1-393.4, prohibiting price gouging, is in effect.

This Executive Order shall be valid for a period of one (1) week, beginning on October 9, 2018 and ending at 11:59 pm on October 16, 2018.

This 9<sup>th</sup> day of October, 2018 at 8:45 AM/~~PM~~.

*Nathan Deal*

\_\_\_\_\_  
GOVERNOR



# THE STATE OF GEORGIA

## EXECUTIVE ORDER

BY THE GOVERNOR:

**WHEREAS:** On October 9, 2018, due to the potential impact of Hurricane Michael to the state of Georgia as forecasted by the National Hurricane Center, I declared a State of Emergency for ninety-two (92) Georgia counties; and

**WHEREAS:** The National Hurricane Center forecast, through its five (5) day cone model, has shifted slightly to include counties to the north of the current State of Emergency area; and

**WHEREAS:** The assistance of the government of the state of Georgia is necessary to protect the public health, preserve the safety of the public, keep property damage to a minimum and restore the social and economic welfare of impacted counties; and

**WHEREAS:** The authority is vested in the Governor by virtue of O.C.G.A. § 38-3-51 to issue reasonable orders, rules and regulations deemed necessary to protect public health, safety and welfare, and bring the emergency situation under control within the acknowledged limitations of the powers of the Governor.

**NOW THEREFORE, PURSUANT TO THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY**

**ORDERED:** That the scope of the State of Emergency issued on October 9, 2018, is hereby expanded to include the following counties: Butts, Clarke, Columbia, Elbert, Greene, Jasper, Lamar, Lincoln, McDuffie, Monroe, Morgan, Oconee, Oglethorpe, Putnam, Taliaferro and Wilkes.

**IT IS FURTHER**

**ORDERED:** That all resources of the state of Georgia be made available to assist in preparation, response and recovery activities in the above mentioned counties, and the Georgia Emergency Management and Homeland Security Agency activate the Georgia Emergency Operations Plan for implementation throughout the state.

This Executive Order shall be valid beginning on October 10, 2018, and ending at 11:59 p.m. on October 16, 2018.

This 10<sup>TH</sup> day of October, 2018 at 10:00 AM/~~PM~~.

*Nathan Deal*

GOVERNOR