

EXECUTIVE ORDER NO. 9
TEMPORARY SUSPENSION OF MOTOR VEHICLE REGULATIONS IN ORDER
FOR
UTILITY VEHICLES TO RESPOND TO NATURAL DISASTERS AND OTHER
EMERGENCIES

WHEREAS, electric service is one of the most essential services required by modern society, and the public welfare is immediately threatened by any occurrences, natural or manmade, which interrupt the delivery of electricity and electrical services; and

WHEREAS, the citizens of North Carolina likely will suffer losses of harm if vehicles transporting equipment, supplies, or personnel to restore utilities in the aftermath of natural disasters and other emergencies in North Carolina are delayed.

THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and laws of this State IT IS ORDERED:

Section 1. When a natural disaster or other emergency has been declared by the Governor, the Division of Motor Vehicles shall waive the size and weight or restrictions and penalties therefore arising under N.C.G.S. §§ 20-88, 20-96, and 20-118, and certain registration requirements and penalties therefore arising under N.C.G.S. §§

20-86.1, 20-382, 105-449.47, and 105-449.49 for utility vehicles transporting equipment, supplies along our highways for the area covered by the disaster or emergency declaration.

Section 2. Notwithstanding the waivers set forth above, restrictions and penalties shall not be waived under the following conditions:

When the vehicle weight exceeds the maximum gross vehicle weight criteria established by the manufacturer (GVWR) or 90,000 pounds gross vehicle weight, whichever is less.

When the tandem axle weight exceeds 42,000 pounds gross weight and the single axle weight exceeds 22,000 pounds.

When the (vehicle/vehicle) combination exceeds 12 feet in width and a total overall vehicle combination length of 75 feet from bumper to bumper.

Section 3. Vehicles referenced under section 1 shall be exempt from the following registration requirements:

A. The \$50.00 fee listed in N.C.G.S. § 105-449.49 for a temporary trip permit is waived for the vehicles described above. No quarterly fuel tax is required because the exception in N.C.G.S. § 105-449.45 (a)(1) applies.

B. The registration requirement under N.C.G.S. § 20-382 concerning intrastate and interstate for-hire authority is waived; however, vehicles shall maintain the required limits of insurance.

C. Non-participants in North Carolina International Registration Plan will be permitted into North Carolina in accordance with the spirit of the exemptions identified by this Executive Order.

Section 4. The size and weight exemption for vehicles will be allowed on all routes designated by the North Carolina Department of Transportation, except those routes designated as light traffic roads under N.C.G.S. § 20-118. This order shall not be in effect on bridges posted pursuant to N.C.G.S. § 136-72.

Section 5. The waiver of regulations under 49 C.F.R. 390-397 (Federal Motor Carrier Safety Regulations) do not apply to the CDL and Insurance Requirements. This waiver shall be in effect for the duration of the emergency and for 30 days after the emergency is declared over.

Section 6. The North Carolina Department of Transportation shall enforce the conditions set forth in Sections 1, 2, and 3 in a manner which would best accomplish the implementation of this rule without endangering motorist in North Carolina.

Section 7. The vehicles referenced herein shall be operated in a safe manner and shall follow all posted limits and laws including maintenance of required limits of insurance except those covered in this Executive Order.

Section 8. The provisions of this Executive Order shall remain in effect for 30 days after the Governor declares that the state of emergency or disaster in the State of North Carolina is over.

Section 9. Exemptions of this Executive Order shall apply to any utility motor vehicle responding to the emergency or disaster as long as it is clearly marked as a utility vehicle or carries signage indicating it is a utility vehicle.

This Executive Order is effective immediately upon the declaration of a state of disaster or emergency by the Governor.

Done in the Capital City of Raleigh, North Carolina, this ____ day of
_____ 2001.

Michael F. Easley
Governor

ATTEST:

Elaine F. Marshall
Secretary of State