

EXECUTIVE ORDER NO. 45
WAIVER OF THE RULES AND REGULATIONS LIMITING THE HOURS OF
OPERATORS OF CERTAIN COMMERCIAL VEHICLES AND
THE WEIGHT RESTRICTIONS ON CERTAIN VEHICLES

WHEREAS, the North Carolina Emergency Management Act (Chapter 166A of the North Carolina General Statutes) authorizes and empowers the Governor to make, amend or rescind the necessary orders, rules and regulations within the limits of the authority conferred upon him, with due consideration of the policies of the federal government; and

WHEREAS, the North Carolina Emergency Management Act (Chapter 166A of the North Carolina General Statutes) authorizes and empowers the Governor to deliver materials or perform services for disaster purposes on such terms and conditions as may be prescribed by any existing law; and

WHEREAS, the North Carolina Emergency Management Act (Chapter 166A of the North Carolina General Statutes) authorizes the Governor, with the concurrence of the Council of State, to procure, transport, store, maintain or distribute materials; and

WHEREAS, the rapid restoration of electrical power is an essential need of the public during the winter and any interruptions threatens the public welfare; and

WHEREAS, the Federal Motor Carrier Safety regulations, 49 CFR 350, limits the hours operators of commercial vehicles may drive; and

WHEREAS, 49 CFR 395 allows the Governor to suspend the rules and regulations limiting the hours operators of commercial vehicles may drive for the duration of the motor carrier's or driver's direct assistance in providing emergency relief, or thirty (30) days from the date of the initial declaration of the emergency, whichever is less, if the Governor declares a state of emergency.

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

Section 1. The regulations under 49 C.F.R. 395 (Federal Motor Carrier Safety Regulations) as it relates to driver's hours of service are waived for 30 days or the duration of the emergency, whichever is less.

Section 2. For a period of 30 days or the duration of the emergency, whichever is less, vehicles of the type used in power restoration shall be exempt from going through North Carolina weigh station as prescribed in N.C.G.S. 21-118.1.

Section 3. The State Highway Patrol to waive size and weight restrictions and penalties therefore arising under N.C.G.S. 20-88 and N.C.G.S. 20-118, and certain registration requirements and penalties therefore arising under N.C.G.S. 20.86.1, 20-382, 105-449.47, 105-449.49 for vehicles transporting equipment and supplies to restore utilities in the State of North Carolina.

Section 4. Notwithstanding the waivers set forth above, size and weight restrictions and penalties shall not be waived under the following conditions:

(A) 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.

(B) When tandem axle weights exceed 42,000 pounds and single axle weights exceed 22,000 pounds.

(C) When vehicle/vehicle combination exceeds 12 feet in width and a total overall combination vehicle length of 65 feet from bumper to bumper.

Section 5. Vehicles referenced under Section 3 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; however, vehicles shall maintain the required limits of insurance.

(C) Non-participants in North Carolina's International Registration Plan will be permitted into North Carolina in accordance with the spirit of the exemptions identified by this Proclamation.

Section 6. The size and weight exemptions for the 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 7. Upon request, exempted vehicles will be required to produce identification sufficient to establish that its load will be used for emergency relief efforts in the State of North Carolina.

Section 8. The State Highway Patrol shall enforce the conditions set forth in Sections 1, 2, 3, 4, 6, and 7 in a manner, which would best accomplish the implementation of these waivers without endangering motorists in North Carolina.

Section 9. This Executive Order shall become effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the great Seal of the State of North Carolina at the Capital in Raleigh this sixteenth day of February in the year of our Lord two thousand and three.

Michael F. Easley
Governor

ATTEST:

Elaine F. Marshall
Secretary of State