

EXECUTIVE ORDER NO. 67
EMERGENCY RELIEF FOR DAMAGE
CAUSED BY HURRICANES CHARLEY AND FRANCES

WHEREAS, the Governor of Florida has proclaimed that a State of Emergency and State of Disaster exists in Florida due to Hurricanes Charley and Frances and thereby, has requested that States, through which property carrying vehicles regulated by size and weight laws, allow exemptions of said laws when vehicles traveling through such states are bearing equipment and supplies to provide relief to the disaster stricken areas in the State of Florida; and

WHEREAS, under the provisions of N.C.G.S. §§ 166A-4 and 166A-6(c)(3), the Governor of North Carolina, 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 bearing equipment and supplies to relieve Florida's grief stricken areas must adhere to the registration requirements of N.C.G.S. § 20-86.1 and N.C.G.S. § 20-382, fuel tax requirements of N.C.G.S. § 105-449.47, and the size and weight requirements of N.C.G.S. § 20-116 and N.C.G.S. § 20-118; I have further found that citizens in that state will likely suffer losses and, therefore suffer an imminent threat of widespread damage.

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

Section 1. The Department of Crime Control & Public Safety in conjunction with the N.C. Department of Transportation **shall waive** certain size and weight restrictions and penalties therefore arising under N.C.G.S. § 20-116 and N.C.G.S. § 20-118, and certain registration requirements and penalties therefore arising under N.C.G.S. §§ 20-86.1, 20-119, 20-382, 105-449.47, 105-449.49, for the vehicles transporting equipment and supplies along North Carolina Interstate roadways, en route to Florida's grief stricken areas.

Section 2. 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 95,000 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/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 requirements 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 as required.
- (C) Non-participants in North Carolina's International Registration Plan will be permitted into North Carolina in accordance with the exemptions identified by this Executive Order.
- (D) The \$200.00 fee listed in N.C.G.S. § 20-119, for an annual permit to transport mobile homes. This only applies to mobile homes being transported under contract with the Federal Emergency Management Agency (FEMA) as part of the disaster relief effort. Transporters moving mobile homes under this section are exempted from the requirement to enter weigh stations as required under N.C.G.S. § 20-118.1. However, these same transporters **shall** have in the transport vehicle a copy of the Transport Authorization letter from FEMA, the annual permit from NC DOT, and the manufacturers bill of lading for the mobile home being transported. This does not exempt transporters from the requirements of the regulations regarding escorts, flags, signs, and other safety requirements.

Section 4. The size and weight exemption for vehicles will be allowed on all North Carolina Interstate routes **only**.

Section 5. The waiver of regulations under 49 CFR (Federal Motor Carrier Safety Regulations) issued by the State of Florida, **does not apply** to the CDL and Insurance Requirements. This waiver shall be in effect for 51 days from the date of this Order.

Section 6. The North Carolina State Highway Patrol 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 motorists in North Carolina.

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 associated with Hurricanes Charley and Frances.

Executive Order Number 64 is hereby amended and superseded by this Executive Order. This Executive Order is effective immediately and shall remain in effect for fifty-one (51) days.

In witness whereof, I have hereunto set my hand and affixed the Great Seal of the State of North Carolina at the Capitol in the city of Raleigh this 10th day of September, 2004.

Michael F. Easley
Governor

ATTEST:

Elaine F. Marshall
Secretary of State