State of North Carolina

MICHAEL F. EASLEY
GOVERNOR

EXECUTIVE ORDER NO. 81
EMERGENCY RELIEF FOR DAMAGE CAUSED BY HURRICANE KATRINA

WHEREAS, the Governors of Florida, Mississippi, Alabama and Louisiana have proclaimed that a State of Emergency and a State of Disaster exists in these states due to Hurricane Katrina and thereby, have 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 above States; 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, Mississippi, Alabama and Louisiana'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 those states have suffered losses and, the imminent threat of further widespread damage within the meaning of N.C.G.S. § 166-A-4(3) will occur,

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. §§ 20-86.1,20-382,105-449.47 and 105-449.49 for the vehicles transporting food, fuel, equipment, and supplies along North Carolina's Interstate roadways en route to Florida, Mississippi, Alabama and Louisiana'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 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/vehicle combination exceeds 12 feet in width and a total overall vehicle combination length 75 feet from bumper to bumper.

Section 3. Vehicles referenced under Section 1 shall be exempt from the following registration and fee 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 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 the North Carolina Department of Transportation and the manufacturer's bill of laden 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 **only**.

Section 5. The waiver of regulations under 49 CFR (Federal Motor Carrier Safety Regulations) issued by the states of Florida, Mississippi, Alabama and Louisiana **does not apply** to the CDL and Insurance Requirements. This waiver shall be in effect for 60 days or the duration of the emergency, whichever is less.

Section 6. The North Carolina State Highway Patrol shall enforce the conditions set forth in Sections 1, 2, and 3 in such a manner, as to best accomplish the implementation of this rule without endangering the motoring public 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 Hurricane Katrina.

This Executive Order is effective immediately and shall remain in effect for sixty (60) days or the duration of the emergency whichever is less.

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 1st day of September, 2005.

Michael F. Easley
Governor

ATTEST:

Elaine F. Marshall
Secretary of State