

# Executive Order 13-01 - Aid in storm clean-up in Oklahoma

## EXECUTIVE ORDER 13-01

### Conditional and Temporary Relief from Motor Carrier Rules and Regulations

**WHEREAS**, K.S.A. 48-925(b) provides that the Governor may issue orders and proclamations which shall have the force and effect of law under subsection (b) of K.S.A. 48-924; and

**WHEREAS**, severe storms accompanied by a series of major tornadoes beginning on May 18, 2013, produced an interruption of essential human services, and potential dangers to and loss of human life and will require public and private response to provide immediate emergency assistance and continuing emergency relief to individual persons and businesses in affected areas in Oklahoma, including in and around Oklahoma City, Oklahoma; and

**WHEREAS**, a Declaration of Regional Emergency has been declared by the Field Administrator, Southern Service Center of the FMCSA, in accordance with Title 49 C.F.R 390.23, the requirements contained in the Federal Motor Carrier Safety Regulations, Title 49 C.F.R. Parts 390-399 were suspended through the duration of the motor carrier's assistance in the disaster relief efforts: and

**WHEREAS**, conditions exists which require the operation of motor carriers and drivers of commercial motor vehicles for the purposes of providing direct assistance to supplement State and local efforts in the restoration of services and relief in the affected area(s) of the State of Oklahoma.

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby acknowledge a state of emergency exists in Oklahoma and declare it necessary to assist and expedite all disaster recovery efforts. In order to accommodate this need and to provide assistance to the citizens of Oklahoma in this emergency situation, I hereby order the temporary suspension of the following as they apply to motor vehicles:

1. This declaration applies to motor carriers providing direct assistance to supplement State and local efforts in Oklahoma.
1. The registration and fuel tax permits as enforced by the Kansas Department of Revenue are temporarily suspended; and
1. Participating motor carriers must still obtain the requisite over-dimension/overweight permits as required by the Kansas Department of Transportation prior to operating; however the fees associated with these permits are temporarily waived. Additionally motor carriers and persons participating in restoration and recovery efforts will receive priority service.
1. The licensing, certification and permitting rules and regulations as required by the Kansas Corporation Commission are temporarily suspended; and

1. Participating motor carriers shall not operate during the period beginning 30 minutes after sunset and ending 30 minutes before sunrise, and shall comply with the flags, signs and lighting requirements applicable to overwidth vehicles as set forth in 8-1902 ; and
  
1. Participating motor carriers are not allowed to drive during inclement weather conditions. *Oversize or overweight loads shall not be transported when visibility is less than one-half mile, or when conditions of moderate to heavy rain, sleet, snow, fog, or smoke exist, or when highway surfaces are slippery due to ice, packed snow.*
  
1. Nothing contained in this declaration shall be constructed 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), or any other portion of the regulations not specifically defined.

**FURTHER**, I direct that this executive order shall become effective immediately and shall continue in effect until the expiration of the Declaration of Regional Emergency issued by the FMCSA expires as defined in 49 CFR 390.5, or 15 days (10:00a.m. EDT, June 5, 2013) whichever is less.

This document shall be filed with the Secretary of State as Executive Order No. 13-01 and shall become effective immediately.