

Executive Order No. 2018-27

**Temporary Suspension of Certain Motor Vehicle Regulations
Due to Existing Emergencies in South Carolina and North Carolina**

WHEREAS, the potential impact of Tropical Storm Florence, which is strengthening and is anticipated to become Hurricane Florence (“Hurricane Florence”), will require the transportation of vehicles bearing equipment and supplies for utility restoration and debris removal and essentials such as food, water, medicine and medical supplies, fuel oil, livestock and poultry, feed for livestock and poultry, and other agricultural products; and

WHEREAS, the uninterrupted supply of electricity, fuel oil, diesel oil, gasoline, kerosene, propane, liquid petroleum gas, food, medicine and medical supplies, livestock and poultry, feed for livestock and poultry, and other agricultural products, to residential and commercial establishments is essential before, during, and after Hurricane Florence, and any interruption in the availability, transportation, or delivery of such commodities and materials does and would threaten the public welfare; and

WHEREAS, the prompt restoration of utility services is essential to the safety and well-being of the people of South Carolina and neighboring states; and

WHEREAS, Hurricane Florence poses an imminent threat of severe economic loss and other dangers to livestock, poultry, or crops ready to be harvested in South Carolina and in neighboring states, which may necessitate transportation of the same; and

WHEREAS, in light of the foregoing and due to the imminent threat of widespread damage in connection with Hurricane Florence, it is prudent to assist in facilitating and supporting the operation of critical transportation services; and

WHEREAS, federal law limits the hours operators of commercial motor vehicles may drive vehicles transporting materials as stated above pursuant to 49 C.F.R. §§ 390 *et seq.* and establishes certain weight limitations for vehicles on interstate highways pursuant to 23 U.S.C. § 127; and

WHEREAS, the Governor of a State may suspend certain requirements relating to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles responding to an emergency if the Governor declares a state of emergency pursuant to 23 U.S.C. § 127, 49 C.F.R. § 390.23; and

WHEREAS, the undersigned has issued Executive Order 2018-26 contemporaneously herewith declaring that a state of emergency exists throughout the State of South Carolina due to the potential impact of Hurricane Florence; and

WHEREAS, in addition to the foregoing, whenever a state of emergency is declared in the State of North Carolina that triggers relief under 49 C.F.R. § 390.23, an emergency must be declared in this State pursuant to section 56-5-70(B) of the South Carolina Code of Laws; and

WHEREAS, the Governor of North Carolina issued two Executive Orders on September 7, 2018, copies of which are attached hereto, declaring that a state of emergency exists throughout the State of North Carolina and temporarily suspending certain motor vehicle regulations related to the same.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, in accordance with the aforementioned authorities, I hereby suspend the federal rules and regulations that

establish certain registration, permitting, length, width, weight, load, and hours of service requirements, as fully set forth below, for commercial vehicles responding to the existing emergencies in the in the State of South Carolina and the State of North Carolina. Accordingly, I direct the South Carolina Department of Transportation, the South Carolina Department of Public Safety, and the State Transport Police, as needed, to suspend application and enforcement of such federal rules and regulations, in conjunction with S.C. Code Ann. §§ 56-5-4010 *et seq.*, which establish size, weight, and load requirements for South Carolina highways, for the following commercial vehicles responding to the declared emergencies:

- (1) Persons and vehicles transporting essential fuels (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), food, water, medicine and medical supplies; and
- (2) Persons and vehicles transporting livestock, poultry, food for livestock and poultry, and crops ready to be harvested; and
- (3) Persons and vehicles used in or transporting materials necessary for the restoration of utility services and debris removal.

IT IS FURTHER ORDERED that notwithstanding the waiver of the federal rules and regulations that restrict registration, permitting length, width, and load requirements, drivers in South Carolina are still subject to the following state requirements to ensure safety on the roads:

(a) Weight, height, length, and width for any such vehicle on roadways maintained by the State of South Carolina shall not exceed for continuous travel on all non-interstates, United States, and South Carolina designated routes maximum dimensions of 12' wide, 13'6" high and weights of 90,000 pounds.

(b) Posted bridges may not be crossed.

(c) All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall provide appropriate documentation indicating they are responding to this emergency.

(d) Any dimensions and/or weights of vehicles that exceed the above must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after regular business hours.

(e) Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversize/overweight loads operating on South Carolina roadways.

Nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. § 383 or the financial requirements in 49 C.F.R. § 387.

This Order is effective immediately and shall remain in effect for thirty (30) days or until the state of emergency ceases, whichever is less, in accordance with section 56-5-70 of the South Carolina Code of Laws.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF SOUTH
CAROLINA, THIS EIGHTH DAY OF
SEPTEMBER, 2018.**

**HENRY MCMASTER
Governor**