

EXECUTIVE ORDER NO.

2020-49

WHEREAS, the National Hurricane Center has determined from the latest forecast models that Hurricane Isaias may impact the southeastern region of the United States during the first week of August, 2020; and

WHEREAS, in preparing for and responding to Hurricane Isaias, many government agencies, non-profit organizations, and businesses and will be supporting emergency management and relief operations in the southeastern region of the United States, and such efforts will require motor carriers, commercial vehicles, and drivers to travel in and through the State of South Carolina while transporting essential supplies, equipment, and persons to or from the impacted areas; and

WHEREAS, in particular, preparing for and responding to Hurricane Isaias 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, petroleum products, livestock and poultry, feed for livestock and poultry, and other agricultural products; and

WHEREAS, the uninterrupted supply of electricity, essential fuels and petroleum products, food, medicine and medical supplies, livestock and poultry, feed for livestock and poultry, and other agricultural products, to residential and commercial establishments is critical before, during, and after the impact of Hurricane Isaias, and any actual, potential, or perceived shortage or interruption in the availability, transportation, or delivery of such commodities and materials would pose a threat to the public welfare; and

WHEREAS, the Federal Motor Carrier Safety Regulations limit, *inter alia*, the hours of service for operators of commercial vehicles, 49 C.F.R. §§ 390 *et seq.*, and federal law prescribes certain weight limitations for vehicles on interstate highways, 23 U.S.C. § 127; and

WHEREAS, pursuant to 49 C.F.R. § 390.23, the governor of a state may suspend certain federal rules and regulations for commercial vehicles responding to an emergency if the governor determines that an emergency condition exists; and

WHEREAS, on July 11, 2020, the undersigned issued Executive Order No. 2020-44, declaring that a State of Emergency exists in the State of South Carolina in connection with COVID-19 and, *inter alia*, suspending certain rules and regulations for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, as amended; and

WHEREAS, section 56-5-70(B) of the South Carolina Code of Laws provides that “[w]hen an emergency is declared which triggers relief from regulations pursuant to 49 C.F.R. [§] 390.23 in North Carolina or Georgia, an emergency, as referenced in the regional emergency provision of 49 C.F.R. [§] 390.23(a)(1)(A), must be declared in this State by the Governor”; and

WHEREAS, on July 31, 2020, the Governor of North Carolina declared that a state of emergency exists in the State of North Carolina and temporarily suspended certain motor vehicle and transportation regulations in connection with Hurricane Isaias; and

WHEREAS, for the aforementioned reasons, and based on the latest forecast models for Hurricane Isaias, the undersigned has determined that it is necessary and prudent to provide additional regulatory flexibility to proactively assist in facilitating and supporting the operation of critical transportation services and preventing interruptions and delays in transporting essential supplies, equipment, and persons to or from areas that may be impacted by Hurricane Isaias.

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 of these United States and the powers conferred upon me therein, I hereby suspend certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

Section 1. I hereby authorize and direct the South Carolina Department of Transportation (“DOT”) and the South Carolina Department of Public Safety (“DPS”), including

the State Transport Police, as needed, to waive or suspend application and enforcement of the requisite state and federal rules and regulations pertaining to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles and operators of commercial vehicles responding to declared emergencies in connection with Hurricane Isaias or otherwise providing direct assistance to supplement state and local efforts and capabilities to protect public health and safety in connection with Hurricane Isaias, to include commercial vehicles and operators of commercial vehicles transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips). I further authorize and direct DOT and DPS to issue, provide, or promulgate any necessary and appropriate clarification, guidance, rules, regulations, or restrictions regarding the application of this Order.

This Order shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, “a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location.” Likewise, this Order shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver’s license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49 C.F.R. § 387, and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein.

Section 2. This Order is subject to any clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DOT or DPS, as authorized herein or as otherwise provided by law. Notwithstanding the waiver or suspension of certain rules and regulations as set forth above, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

- A. Weight, height, length, and width for any such vehicle on highways or 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 twelve (12) feet in width, thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.
- 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 be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.

- D. Any vehicles that exceed the above dimensions, weights, or both, 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 normal 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 oversized/overweight loads operating on South Carolina roadways.

This Order is effective immediately and shall remain in effect for thirty (30) days or until the state of emergency in the State of North Carolina is terminated, whichever is less, in accordance with 49 C.F.R. § 390.23 and 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 1st DAY OF
AUGUST, 2020.**

HENRY MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State