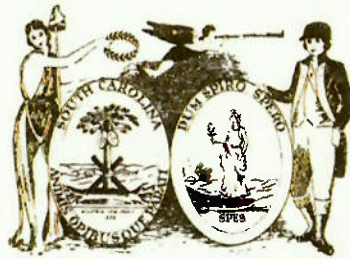


State of South Carolina
Executive Department

FILED

OCT 09 2024

Mark Hammond
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER NO. 2024-28

WHEREAS, on September 25, 2024, the undersigned issued Executive Order No. 2024-24, declaring a State of Emergency in anticipation of Hurricane Helene, which made landfall along the coast of the State of Florida as a major hurricane and subsequently impacted the State of South Carolina and other areas in the southeastern region of the United States with strong winds, significant and sustained rainfall, flash flooding, tornadoes, and other dangerous conditions, causing extensive damage to public and private property and critical utility infrastructure; and

WHEREAS, on September 26, 2024, pursuant to Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5207 (“Stafford Act”), as implemented by 44 C.F.R. § 206.35, the undersigned requested that the President of the United States issue an emergency declaration for all 46 counties in South Carolina based on the projected impacts and corresponding costs associated with Hurricane Helene, and the President granted this request on September 26, 2024; and

WHEREAS, on September 28, 2024, the undersigned requested that the President of the United States declare an expedited major disaster for the State of South Carolina pursuant to Section 401 of the Stafford Act, as implemented by 44 C.F.R. § 206.36, and the President granted this expedited request on September 29, 2024, for an incident period beginning on September 25, 2024, and continuing; and

WHEREAS, in addition to Hurricane Helene’s immediate, short-term impacts—which included strong winds, numerous tornadoes, significant rainfall, and dangerous river, flash, and urban flooding, as well as other hazardous weather conditions—the storm also caused unanticipated loss of life, extensive damage to public and private property and critical infrastructure, widespread disruption of utility services, and interruptions in the transportation of essential goods, equipment, and products to and from the impacted areas in South Carolina and in neighboring States, and the aforementioned circumstances warrant the State continuing to take any and all necessary and appropriate actions in responding to and recovering from the significant impacts associated with Hurricane Helene and in protecting and preserving property, critical infrastructure, communities, and the general safety and welfare of the people of this State; and

WHEREAS, while assessment and validation activities remain ongoing, preliminary reports indicate that Hurricane Helene damaged over 5,500 homes and businesses statewide, including over 2,000 homes that were destroyed or incurred major damage; necessitated significant debris-removal operations in all 46 counties; caused nearly half of all South Carolinians to lose power; required the repair or replacement of approximately 13,500 utility poles; damaged or required the closure of public infrastructure in at least 42 counties; and most tragically, resulted in at least 49 weather-related deaths; and

WHEREAS, in addition to and contemporaneous with the aforementioned circumstances and ongoing response and recovery operations, the National Weather Service has determined that Hurricane Milton, which is currently anticipated to make landfall as a major hurricane along the western coast of the State of Florida either late on October 9, 2024, or early on October 10, 2024, may subsequently impact the State of South Carolina and other areas in the southeastern region of the United States with storm surge and flooding along the coast, as well as strong winds and wind gusts throughout most of the State; and

WHEREAS, the undersigned is advised that the forecasted high winds and wind gusts associated with Hurricane Milton may further destabilize trees and structures damaged or weakened by Hurricane Helene, which could disrupt or otherwise adversely impact ongoing efforts to complete the restoration of power and other critical utility services in certain portions of the State; and

WHEREAS, the State of South Carolina continues to address the devastating impacts associated with Hurricane Helene by expediting the completion of ongoing emergency response operations, maximizing intergovernmental collaboration and coordination, and promptly transitioning state personnel, resources, and other assets to prioritize expedited recovery and relief initiatives, while also responding to requests for appropriate mutual aid from the State of Florida and the State of North Carolina in accordance with the terms of the Emergency Management Assistance Compact ("EMAC"), S.C. Code Ann. §§ 25-9-420 *et seq.*; and

WHEREAS, in light of the confluence of the foregoing events, and because the extraordinary circumstances and conditions that necessitated the undersigned's prior emergency declaration have since evolved and now present different and additional threats that must be dealt with on their own terms, the undersigned has determined that it is necessary and appropriate to maintain activation of the South Carolina National Guard and to take additional proactive action to facilitate current and future emergency management, response, recovery, and relief efforts to support the health, safety, and welfare of the public; and

WHEREAS, as the elected Chief Executive of the State, the undersigned is authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, to "declare a state of emergency for all or part of the State if he finds a disaster . . . has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation"; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

WHEREAS, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

WHEREAS, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable,” and to “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

WHEREAS, in accordance with section 56-5-70(A) of the South Carolina Code of Laws, as amended, during a declared emergency and in the course of responding to the emergency, requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles traveling on non-interstate routes for up to one hundred twenty (120) days, provided that such vehicles do not exceed a gross weight of ninety thousand (90,000) pounds and do not exceed a width of twelve (12) feet, and requirements relating to time of service suspensions for commercial and utility vehicles traveling on interstate and non-interstate routes are suspended for up to thirty (30) days, unless extended for additional periods pursuant to the Federal Motor Carrier Safety Regulations; 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

WHEREAS, pursuant to 49 C.F.R. § 390.23, the governor of a State may suspend federal hours of service regulations for commercial vehicles responding to an emergency if the governor determines that an emergency condition exists; 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 September 25, 2024, the Governor of North Carolina issued Executive Order No. 315, declaring a State of Emergency in the State of North Carolina in connection with

then-Tropical Storm Helene and temporarily suspending certain motor vehicle and transportation regulations related to the same; and

WHEREAS, on October 8, 2024, the Governor of Georgia issued two Executive Orders, the first declaring that an emergency exists in the State of Georgia in connection with Hurricane Milton, and the second renewing his previous emergency declaration associated with then-Tropical Storm Helene, with both Executive Orders temporarily suspending, or continuing the suspension of, certain motor vehicle and transportation regulations; and

WHEREAS, in light of the foregoing circumstances, the undersigned has determined that additional regulatory flexibility is warranted to assist proactively in facilitating and supporting the operation of critical utility and transportation services and mitigating or preventing interruptions and delays in transporting essential supplies, equipment, and persons to or from any impacted areas in the State of South Carolina or in neighboring States; and

WHEREAS, recognizing that the prompt restoration of utility services and the uninterrupted transportation of essential goods, equipment, and products to or from the impacted areas are critical to the safety and welfare of the people of South Carolina and neighboring States, the undersigned has concluded that it is necessary and appropriate for the State of South Carolina to expedite ongoing initiatives and preparations and to support additional emergency response, recovery, and relief efforts by facilitating the operation of critical transportation services; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned's responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, after conferring with the relevant state and federal agencies, officials, and experts, the undersigned has determined that the threats and circumstances described herein, to include the ongoing and evolving impacts associated with Hurricane Helene and the forecasted severe weather conditions associated with Hurricane Milton, constitute an actual or imminent emergency for the State of South Carolina and that extraordinary measures are necessary to cope with the existing or anticipated situation.

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 declare that a State of Emergency exists in South Carolina. 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. Emergency Measures to Address Impacts Associated with Hurricane Helene and Hurricane Milton

A. I hereby activate the South Carolina Emergency Operations Plan ("Plan"), as approved by Executive Order No. 2023-11, and direct that the Plan be further placed into effect and that all prudent preparations be taken at the individual, local, and state levels to prepare for and respond to the threats and circumstances described herein, to include the ongoing and evolving impacts associated with Hurricane Helene and the forecasted severe weather conditions associated

with Hurricane Milton. I further direct the utilization of all available resources of state government as reasonably necessary to address the current State of Emergency. In accordance with Section 1(E) of Executive Order No. 2023-11, “[a]ll departments or agencies of the State shall execute, without delay, the emergency functions so designated in the Plan, or as further ordered or otherwise directed by the undersigned, during any emergency or disaster through the initial use of existing department or agency appropriations and all necessary department or agency personnel, regardless of normal duty assignment.”

B. I hereby place specified units or personnel, or both, of the South Carolina National Guard on State Active Duty, pursuant to section 25-1-1840 of the South Carolina Code of Laws, as amended, and direct the Adjutant General to issue any supplemental orders he deems necessary and appropriate. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment, in the discretion of the Adjutant General and in coordination with the Director of the South Carolina Emergency Management Division (“EMD”), to take necessary and prudent actions to assist the people of this State. I authorize Dual Status Command, as necessary, to allow the Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 status or State Active Duty status, or both).

C. I hereby order that all licensing and registration requirements regarding private security personnel or companies contracting with South Carolina security companies in protecting property and restoring essential services in South Carolina shall be suspended, and I direct the South Carolina Law Enforcement Division (“SLED”) to initiate an emergency registration process for those personnel or companies for a period specified, and in a manner deemed appropriate, by the Chief of SLED.

D. I hereby authorize and direct any agency within the undersigned’s Cabinet or any other department within the Executive Branch, as defined by section 1-30-10 of the South Carolina Code of Laws, as amended, through its respective director or secretary, to waive or “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency,” in accordance with section 25-1-440 of the South Carolina Code of Laws and other applicable law.

E. I hereby authorize and direct state agencies and departments to utilize the emergency procurement procedures set forth in section 11-35-1570 of the South Carolina Code of Laws, as amended, and any regulations issued pursuant thereto, as necessary and appropriate, to facilitate and expedite the acquisition of any critical materials, resources, or services during the State of Emergency.

F. I hereby declare that the prohibitions against price gouging pursuant to section 39-5-145 of the South Carolina Code of Laws, as amended, are in effect and shall remain in effect for the duration of the State of Emergency.

G. I hereby waive the requirement of a written mutual aid agreement for law enforcement services authorized by the Law Enforcement Assistance and Support Act, codified as amended in Title 23, Chapter 20 of the South Carolina Code of Laws, during the State of Emergency in accordance with section 23-20-60 of the South Carolina Code of Laws, as amended.

H. I hereby authorize and direct state agencies and departments, including state-supported colleges, universities, and technical colleges, to follow county government closure determinations, consistent with the normal state procedure associated with hazardous weather conditions, for purposes of closing state government offices in any such counties or operating the same on an abbreviated schedule to ensure the safety of state employees and the general public. Emergency or other critical personnel designated and determined by, and in the sole discretion of, the corresponding Agency Head, or their designee, as essential or mission-critical to the State's preparation for, response to, or recovery from emergency conditions related to Hurricane Helene or Hurricane Milton, or otherwise necessary to serve the State of South Carolina or to ensure the continuity of critical operations of state government, may still be required to report to work. State agencies and departments shall utilize, to the maximum extent possible, telecommuting or work-from-home options for non-essential employees. Notwithstanding the foregoing, pursuant to section 25-1-440 of the South Carolina Code of Laws, as well as other applicable law, I hereby prohibit any county, municipality, or other political subdivision of the State of South Carolina from restricting access by essential state employees to any location or facility that is occupied or utilized, in whole or in part, by any state agency or department. Accordingly, I hereby direct that any such county, municipality, or other political subdivision of the State shall authorize, allow, and provide access to said locations or facilities by any state agency or department, and the officials and employees thereof, as deemed necessary and appropriate and in the manner prescribed by the state agency or department so as to ensure the uninterrupted performance and provision of emergency, essential, or otherwise mission-critical government functions and services during the State of Emergency.

Section 2. Transportation Waivers to Facilitate Emergency Management

A. I hereby determine and declare that the existing, ongoing, evolving, and anticipated threats, circumstances, impacts, or conditions associated with Hurricane Helene and Hurricane Milton, as further described herein, and the potential impacts related to the same constitute an emergency pursuant to 49 C.F.R. § 390.23 for purposes of suspending 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.

B. 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 hours of service for operators of commercial vehicles operating in accordance with the provisions of any emergency declaration issued by the Federal Motor Carrier Safety Administration ("FMCSA"); responding or providing direct assistance, as defined by 49 C.F.R. § 390.5, to any emergency conditions in this State or any declared emergencies in the State of North Carolina or the State of Georgia or in other States in

connection with the circumstances described herein; providing direct assistance to supplement state and local efforts and capabilities related to the same; or otherwise assisting with the existing or anticipated threats, circumstances, or impacts associated with Hurricane Helene or Hurricane Milton, to include commercial vehicles and operators of commercial vehicles transporting equipment, materials, or persons necessary for the restoration of utility services or debris removal and those 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, liquid petroleum, and other refined petroleum products and related equipment or assets), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips).

C. I hereby authorize DOT and DPS, as applicable, to apply for or request any additional federal regulatory relief, waivers, permits, or other appropriate flexibility deemed necessary, whether pertaining to the transportation of overweight loads on interstate highways or otherwise, on behalf of the State of South Carolina and to promptly implement the same without the need for further Orders.

D. This Section 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 Section 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 or addressed in any additional or supplemental guidance, rules, regulations, restrictions, or clarifications issued, provided, or promulgated by DOT or DPS.

E. Subject to any guidance, rules, regulations, restrictions, or clarification 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, and 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:

1. Weight, height, length, and width for any such vehicle with a minimum of five (5) weight bearing axles 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 (except as provided in Paragraph 5 below), thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.
2. Posted bridges may not be crossed.
3. 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.
4. Except as provided below, any vehicles that exceed the above dimensions, weights, or both, must obtain a permit with defined routes from DOT's Oversize/Overweight Permit ("OSOW") 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.
 5. In accordance with federal law, vehicles traveling on non-interstate routes within the National Network may not exceed a width of 102 inches or 8.6 feet without a special permit. A special permit for width on the National Network is available on DOT's OSOW website, and a list of routes on the National Network is set forth in Appendix A to 23 C.F.R. Part 658.
 6. Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws and OSOW guidelines relating to oversize/overweight loads operating on South Carolina roadways.

F. I hereby authorize DOT and DPS to issue, provide, or promulgate any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application, implementation, or enforcement of this Section, or to otherwise provide clarification regarding the same, without the need for further Orders.

G. I hereby authorize and direct DPS, including the South Carolina Highway Patrol, as needed, to waive or suspend, in whole or in part, operation of the requisite rules and regulations, to include Regulation 38-600 of the South Carolina Code of Regulations, pertaining to the use of the South Carolina Highway Patrol Wrecker Rotation List.

H. This Section is effective immediately and shall remain in effect for thirty (30) days or the duration of the emergency, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70(D) of the South Carolina Code of Laws, except that requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles traveling on non-interstate routes for up to one hundred twenty (120) days, pursuant to the provisions of section 56-5-70 of the South Carolina Code of Laws, unless otherwise modified, amended, or rescinded by subsequent Order.

Section 3. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned

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would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

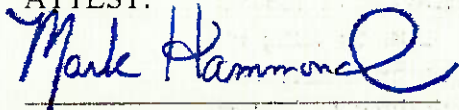
E. This Order is effective immediately and shall remain in effect for a period of fifteen (15) days unless otherwise expressly stated herein or modified, amended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.



GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 9th DAY OF
OCTOBER, 2024.


HENRY DARGAN MCMASTER
Governor

ATTEST:



MARK HAMMOND
Secretary of State