

EXECUTIVE ORDER 17-01 FOR REGIONAL EMERGENCIES

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, large grass wildfires have spread across areas of Kansas causing severe damage and loss of life, livestock, and other property, as well as affecting electric, gas, and communications utilities, thereby creating a need for the immediate transportation of large quantities of hay, feed, fencing materials, and other supplies, 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 Kansas; and

WHEREAS, this disaster has caused or threatens to cause an emergency as defined in 49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f and which has or threatens to interrupt the delivery of essential services or essential supplies or otherwise immediately threatens physical harm or injury to persons, the public welfare and/or substantial damage to property; and

WHEREAS, The Kansas Emergency Management Act (K.S.A. 48-924 *et seq.*) states that the Governor shall be responsible for meeting the dangers to the state and its people from disasters, including fire.

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 Kansas 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 Kansas in this emergency situation, I hereby order the following:

1. This declaration applies to motor carriers directly participating in relief efforts; and
2. 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 are hereby suspended through the duration of the motor carrier's assistance in the disaster relief effort not to exceed a period of thirty (30) days from the date of the initial declaration unless the order is rescinded or expanded by executive order or concurrent resolution of the legislature; and

3. All other applicable state and federal regulations shall apply to include but not limited to: Title 49 C.F.R. Part 382, Controlled Substances and Alcohol Use and Testing; the Kansas Motor Vehicle Driver's License Act, K.S.A. 8-234 *et. seq.* and Title 49 C.F.R. Part 383 Commercial Driver's License Standards as adopted by the Kansas Uniform Commercial Drivers' License Act, K.S.A. 8-2,125 *et. seq.*, the federal Minimum Levels of Financial Responsibility (insurance requirements) Title 49 C.F.R. Part 387 as adopted by K.A.R. 82-4-3n and state insurance requirements as provided in K.A.R. 82-4-23; and, adherence to the regulations governing the Transportation of Hazardous Materials as provided Title 49 C.F.R. 397 and adopted by K.A.R.82-4-3k and Parts: 107, 171-173, 177, 178 and 180 as adopted by K.A.R.82-4-20; and
4. The registration and fuel tax permits as enforced by the Kansas Department of Revenue are temporarily suspended; and
5. The licensing, certification and permitting rules and regulations as required by the Kansas Corporation Commission are temporarily suspended;
6. Participating motor carriers bringing foliage for livestock are limited to a load that does not exceed 12 feet in width and does not exceed a height of 14 feet, six inches.

FURTHER, I direct that this executive order shall become effective immediately and shall continue in effect until 11:59 PM on April 8, 2017, or until rescinded upon conditions abating, whichever is less.

This document shall be filed with the Secretary of State as Executive Order No. 17-01 and shall become effective immediately.

THE GOVERNOR'S OFFICE

BY THE GOVERNOR _____

DATED _____

Secretary of State

Assistant Secretary of State