

GOVERNOR LAURA KELLY

EXECUTIVE ORDER NO. 19-05

**Conditional and Temporary Relief from Certain 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**, on March 15, 2019, I declared a state of disaster emergency in Doniphan County due to flooding, which has also affected neighboring states and is most pronounced in Nebraska, causing widespread damage and disruption; and

**WHEREAS**, on the 19th day of March 2019, the Regional Field Administrators for the Midwestern, Southern, and Western Service Centers of the Federal Motor Carrier Safety Administration (FMCSA) declared that an emergency exists that warrants the issuance of a Regional Emergency Declaration and an exemption from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations; and

**WHEREAS**, this disaster has caused an interruption in the operation and delivery of essential services and supplies, destroyed crucial infrastructure, threatens physical harm, and endangers the public welfare; and

**WHEREAS**, these conditions require the operation of motor carriers and drivers of commercial motor vehicles for the purposes of providing direct assistance to supplement local, state, and federal efforts in relief and restoration efforts in the affected areas in the States of Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee, West Virginia and Wisconsin.

**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 Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee, West Virginia and Wisconsin 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 Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee, West Virginia and Wisconsin in this emergency situation, I hereby order the following:

1. This declaration only applies to motor carriers and persons operating commercial motor vehicles directly participating in the relief and restoration effort.
2. In accordance with the FSCMSA's declaration under Title 49 C.F.R. § 390.23, Title 49 C.F.R. § 390-399 are hereby suspended through the duration of the assistance provided by

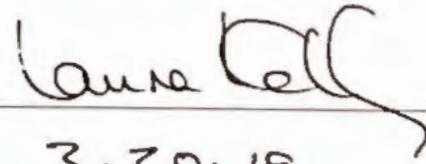
the motor carrier or person operating commercial motor vehicle assistance in the disaster relief effort not to exceed a period of thirty (30) days from the date of the initial declaration unless the order is rescinded or amended by further executive order.

3. All other applicable state and federal regulations shall apply including 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.
4. The licensing, certification, and permitting rules and regulations as required by the Kansas Corporation Commission are temporarily suspended.
5. The registration and fuel tax permits as enforced by the Kansas Department of Revenue are temporarily suspended.
6. Participating motor carriers or persons operating commercial motor vehicles 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.
7. Motor carriers or persons operating commercial motor vehicles participating in restoration and relief efforts 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.

This document shall be filed with the Secretary of State as Executive Order No. 19-05 and shall become effective immediately and continue in effect until 11:59 PM on April 19, 2019, or until rescinded, whichever occurs first.

THE GOVERNOR'S OFFICE

BY THE GOVERNOR



DATED

3.20.19

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Secretary of State

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Assistant Secretary of State