

STATE OF KANSAS

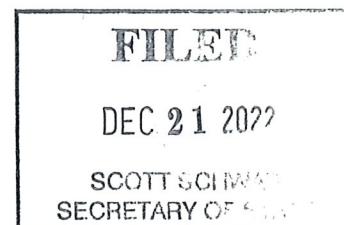


CAPITOL BUILDING, ROOM 241 SOUTH
TOPEKA, KS 66612

PHONE: (785) 296-3232
GOVERNOR.KANSAS.GOV

GOVERNOR LAURA KELLY

EXECUTIVE ORDER NO. 22-09



Conditional and Temporary Relief from Certain Motor Carrier Rules and Regulations

WHEREAS, severe winter cold, in the mid-west and upper mid-west, is likely to cause an interruption to the delivery of essential home heating fuels;

WHEREAS, these conditions 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;

WHEREAS, in accordance with K.S.A. 48-945, the Kansas Division of Emergency Management declares 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;

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas and in accordance with 49 C.F.R. 23(a)(1), I hereby acknowledge and concur in the Kansas Division of Emergency Management's declaration of a state of emergency in Kansas in accordance with K.S.A. 48-945(a) and declare it necessary to assist and expedite all disaster recovery efforts, including 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(a)(1) allowing for the suspension of motor carrier regulations in the event of a regional emergency, 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relief effort not to exceed a period of thirty (30) days from the date of the initial declaration unless the order is rescinded or expanded by executive order or concurrent resolution of the legislature; and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 the regulations governing transportation of hazardous materials in Kansas in 49 C.F.R. Part 107, 171, 172, 173, 177, 178 and 180 as adopted by K.A.R. 82-4-20.

This document shall be filed with the Secretary of State as Executive Order No. 22-09 and shall become effective immediately. This order will continue in effect until 11:59 PM on January 20, 2023, or until rescinded, whichever occurs first.

THE GOVERNOR'S OFFICE

BY THE GOVERNOR

Launa Kelly

DATED

12.21.22

Scott Schwab
Secretary of State

Jennifer Cook
Assistant Secretary of State