



# THE STATE OF GEORGIA

## EXECUTIVE ORDER

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BY THE GOVERNOR:

### STATE OF EMERGENCY FOR TORNADOES AND SEVERE STORMS

- WHEREAS:** A severe storm system moved into the State of Georgia this morning, March 26, 2023; and
- WHEREAS:** The storm system produced thunderstorms, high-velocity straight-line winds, and multiple tornadoes; and
- WHEREAS:** The tornadoes and straight-line winds have caused damage to homes and businesses, with the potential to cause more damage as the storms continue to move through the State; and
- WHEREAS:** Assistance from the State of Georgia is necessary to provide for the public's safety and mitigate consequences of this severe weather system; and
- WHEREAS:** The Federal Motor Carrier Safety regulations, 49 C.F.R. 390, et seq., limit the hours of operators of commercial motor vehicles may drive; and
- WHEREAS:** 49 C.F.R. 390.23 allows the Governor of a State to suspend these rules and regulations for up to 30 days if the Governor determines that an emergency condition exists; and
- WHEREAS:** The Governor is vested with the emergency powers cited herein as the Chief Executive of this State; and
- WHEREAS:** As Chief Executive, the Governor is tasked with protecting the citizens of this State, including during a state of emergency; and

**WHEREAS:** Code Section 38-3-51 vests the Governor with the authority to bring emergency situations under control by issuing orders, rules, and regulations to protect the safety and welfare of the public; and

**WHEREAS:** Code Section 38-3-28 provides that "[a]ll orders, rules, and regulations promulgated by the Governor" have the force and effect of law; and

**WHEREAS:** In consultation with state emergency preparedness officials, I have determined that the following actions are necessary and appropriate to protect the health, safety, and welfare of Georgia's residents and visitors.

**NOW, THEREFORE, PURSUANT TO CODE SECTION 38-3-51, AND THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY**

**ORDERED:** That a State of Emergency exists in the State of Georgia due to the severe storm system and tornadoes that moved through the State on March 26, 2023.

**IT IS FURTHER**

**ORDERED:** That all resources of the State of Georgia be made available to assist in preparation, response, and recovery activities throughout the affected areas, and the Georgia Emergency Management and Homeland Security Agency shall activate the Georgia Emergency Operations Plan.

**IT IS FURTHER**

**ORDERED:** That state agencies shall coordinate all public and emergency information, activities, releases, and response efforts related to this emergency with the Georgia Emergency Management and Homeland Security Agency.

**IT IS FURTHER**

**ORDERED:** That the Georgia Department of Transportation and Georgia Department of Public Safety shall take all necessary action to ensure the expeditious movement of utility vehicles, equipment, and personnel through the State to eliminate power outages.

**IT IS FURTHER**

**ORDERED:** That state agencies shall provide sufficient personnel required for the staffing of the Georgia State Operations Center or other command, control, and coordination points as may be designated by the Director of the Georgia Emergency Management and Homeland Security Agency and shall provide such personnel, vehicles, equipment, and other resources needed to protect life and property and to ensure continuation, restoration, and recovery of essential public services.

**IT IS FURTHER**

**ORDERED:** That the federal rules and regulations limiting hours that operators of commercial vehicles may drive are suspended to ensure the uninterrupted supply of goods and services necessary to respond to this State of Emergency, including petroleum products. This declared emergency justifies a suspension of Part 395 (driver's hours of service) of Title 49 of the Code of Federal Regulations. The suspension will remain in effect for thirty (30) days or until the emergency condition ceases to exist, whichever is less. Nothing herein will be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. § 383 and the financial requirements in 49 C.F.R. § 387.

**IT IS FURTHER**

**ORDERED:** That no motor carrier operating under the terms of this State of Emergency for Tornadoes and Severe Storms will require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor vehicle carrier that he or she needs immediate rest will be given at least ten (10) consecutive hours off-duty before being required to return to service.

**IT IS FURTHER**

**ORDERED:** Pursuant to Code Section 10-1-393.4, price gouging related to goods and services necessary to respond to this State of Emergency, including motor and diesel fuel, would be detrimental to the social and economic welfare of the citizens of this State and is therefore prohibited.

**IT IS FURTHER**

**ORDERED:** That if one or more of the provisions contained in this Order shall be held to be invalid, in violation of the Georgia Constitution, in violation of Georgia law, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions of

this Order, but, in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained within the Order.

**IT IS FURTHER**

**ORDERED:** That no provision of this Order shall limit, infringe, suspend, or supplant any judicial order, judgment, or decree issued pursuant to the laws or constitution of this State or the laws or constitution of the United States, nor shall any person use any provision this Order as a defense to an action in violation of a judicial order, judgment, or decree by any court created pursuant to the laws or constitution of this State or the laws or constitution of the United States.

**IT IS FURTHER**

**ORDERED:** The Office of the Governor may continue to issue guidance on the scope of this Order as needed through communication media, including social media, without need for further Executive Orders.

**IT IS FURTHER**

**ORDERED:** All provisions of the Order shall become effective upon signature and shall be valid for a period of eight (8) days, expiring April 3, 2023, at 11:59 P.M. unless this State of Emergency is renewed by the Governor.

**IT IS FURTHER**

**ORDERED:** That this Order shall be effective upon signature.

This 26<sup>th</sup> day of March 2023.

A handwritten signature in black ink, appearing to read "Bill", is written above a horizontal line.

**GOVERNOR**