



STATE *of* NEBRASKA
OFFICE OF THE GOVERNOR
LINCOLN

EXECUTIVE ORDER No. 05-05

EMERGENCY RELIEF FOR DAMAGE CAUSED BY HURRICANE KATRINA

WHEREAS, the Governors of Florida, Mississippi, Alabama, and Louisiana have proclaimed a State of Emergency and a State of Disaster exists in those states due to Hurricane Katrina; and

WHEREAS, many counties and individuals in these states have experienced massive damage to public and private property as well as exposure to physical injury or death, and it is necessary to expedite restoration of services and provide relief and assistance to the citizens in these states;

NOW THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of Nebraska, I hereby direct and order as follows:

Nebraska Department of Motor Vehicles and Nebraska State Patrol

Section 1: The Department of Motor Vehicles, in conjunction with the Nebraska State Patrol, shall waive certain registration requirements and penalties arising under Nebraska Revised Statutes § 60-356 (International Registration Plan) and Nebraska Revised Statutes § 66-1401 (International Fuel Tax Agreement) for the vehicles transporting food, fuel, equipment, and supplies along Nebraska's highways en route to Florida, Mississippi, Alabama and Louisiana's disaster-stricken areas.

Section 2: Notwithstanding the waivers set forth in Section 1, size and weight restrictions and penalties **shall not be waived.**

Section 3: Vehicles referenced in Section 1 shall be exempt from the following registration and fee requirements:

- A. The \$25.00 trip permit fee under Nebraska Revised Statutes § 60-256(11);

- B. The registration requirements under Nebraska Revised Statutes §75-348 and §75-358 et. seq. concerning interstate and intrastate for-hire authority is waived; however, vehicles shall be required to maintain the statutorily required limits of insurance;
- C. Non-participants in Nebraska's International Registration Plan will be permitted into Nebraska in accordance with the exemptions identified in this Executive Order;
- D. The \$20.00 trip permit fee under Nebraska Revised Statutes § 66-1418.

Section 4: Nothing in this Order shall be construed as an exemption from applicable controlled substances and alcohol use and testing requirements (49 CFR Part 382 and any similar state statute, order or rule) the commercial driver license requirements (49 CFR Part 383 and any similar state statute, order or rule) the financial responsibility requirements (49 CFR 387 and any similar state statute, order, or rule) applicable size and weight requirements, or any other portion of federal regulations not specifically identified.

Section 5: Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption and suspension until the out-of-service order expires or the conditions for the rescission have been satisfied.

Section 6: The Nebraska State Patrol shall enforce the conditions set forth above in such a manner as to best accomplish the implementation of this rule without endangering the motoring public in Nebraska.

Section 7: Upon request, exempted vehicles will be required to produce identification sufficient to establish that its load will be used for emergency relief efforts associated with Hurricane Katrina.

Nebraska Department of Agriculture

Section 8: In accordance with its authority under Nebraska Revised Statute § 89-187, I am directing the Nebraska Department of Agriculture to authorize exemptions from the agency's weights and measures regulations in order to allow the sale of fuel in half-gallon increments. This directive is being made to allow retailers, with pumps that cannot accommodate fuel prices greater than \$2.99, to sell motor fuel at current market prices.

This Order is effective immediately and shall remain effective until the earliest of any of the following:

- A. The expiration date set forth in the National Declaration of Emergency issued by the President of the United States of America, and the latest expiration date of any

emergency declarations issued by the Governor of the State of Florida, Mississippi, Alabama, or Louisiana; or
B. Rescission of this Order.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 2nd day of September, in the year of our Lord Two Thousand and Five.



Dave Heineman

Dave Heineman, Governor
State of Nebraska

Attest:

John A. Gale

John A. Gale, Secretary of State
State of Nebraska