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Tropical Storm Eta Emergency Order 111120

On November 11, 2020, Governor Ron DeSantis signed Executive Order 20-278, amending Executive Order 20-277, for Tropical Storm Eta, providing the Executive Director of the Department of Highway Safety and Motor Vehicles (DHSMV) authorization to take the following actions:

- Suspend enforcement of the registration requirements pursuant to sections 316.545(4) and 320.0715, Florida Statutes, for commercial motor vehicles that enter Florida to provide emergency services or supplies, to transport emergency equipment, supplies, or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;
- Waive the hours of service requirements for such vehicles; and
- Suspend the enforcement of the licensing and registration requirements under the International Fuel Tax Agreement (IFTA) pursuant to chapter 207, Florida Statutes, and the International Registration Plan (IRP) pursuant to section 320.0715, Florida Statutes, for motor carriers or drivers operating commercial motor vehicles that are properly registered in other jurisdictions and that are participating in emergency relief efforts through the transportation of equipment and supplies or providing other assistance in the form of emergency services.

Recordkeeping and other applicable requirements for existing IFTA and IRP licensees and registrants are not affected by this order. The DHSMV shall promptly notify the State Coordinating Office when the waiver is no longer necessary.

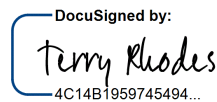
Pursuant to 49 CFR 390.23, motor carriers and drivers operating a commercial motor vehicle to provide emergency relief during an emergency are exempt from 49 CFR Parts 390-399 for fifteen days (until November 26, 2020) from the date of the Governor's Executive Order 20-278, amending Executive Order 20-277, dated November 11, 2020, under the following condition and provisions:

- Regulatory relief for commercial motor vehicle operations is granted only in direct assistance while providing emergency relief. Direct assistance terminates when a driver or commercial motor vehicle is used in commerce to transport cargo or provide services not directly supporting the emergency relief effort.
- Regulatory relief does not extend to controlled substances, alcohol use and testing requirements (49 CFR part 382) commercial driver's license requirements (49 CFR part 383) financial responsibility (insurance) requirements (49 CFR part 387), applicable size and weight requirements, or any other portion of the regulations not specifically authorized pursuant to 49 CFR 390.23.

- Regulatory relief does not extend to provisions of 49 CFR 392 addressed by statutes to include: operating in accordance with state traffic laws and the driver's ability to remain alert, attentive and free of impairment, fatigue, illness, distraction or similar cause that would reduce the driver's ability to safely operate the commercial motor vehicle.
- 49 CFR part 395 related to the preparation, retention and accuracy of drivers record of duty status (RODS). Drivers are directed to note "Emergency Declaration" in the remarks section of the rods to identify that their operation is in direct assistance to the emergency relief.
- A motor carrier whose driver is involved in a crash while operating under this emergency declaration must comply with state laws for reporting the crash and report any recordable crash within 24-hours to the FMCSA Division Office where the motor carrier is domiciled in writing by email to MCFLOFF@dot.gov. The carrier must report – date, time, location, driver in vehicle identification and a brief description of the crash. Intrastate carriers may report recordable crashes to FMCSA but are not required to do so.
- Motor carriers or drivers who are directly or indirectly subject to a current Out-of-Service Order are not eligible for the relief granted by this declaration until they have met the applicable conditions for the orders rescission and the order has been rescinded by the Florida Highway Patrol, the Federal Motor Carrier Safety Administration, or the jurisdiction that issued the Out-of-Service Order, whichever is applicable.
- Drivers operating commercial motor vehicles for the motor carrier operating under this declaration must maintain a copy of the declaration in their possession .
- upon termination of direct assistance to the emergency relief effort the motor carrier and driver are subject to the requirements of 49 CFR parts 390 through 399, Except that a driver may return empty to the motor carrier's terminal or the drivers normal work reporting location under the terms of the declaration. Direct assistance terminates when a driver or commercial motor vehicle is used in Commerce to transport cargo not in direct furtherance of the emergency relief efforts. Upon return to the terminal or other location the driver must be relieved of all duty and responsibilities.
- Upon termination of direct assistance to the emergency relief effort, no motor carrier shall require or permit any driver used buy it to drive, nor shall any such driver drive until the driver has met the requirements of 49 CFR 395.3(a) and (c), and 49 CFR 395.5(a) for interstate commerce and s. 316.302, Florida Statutes, for intrastate Commerce.

This order shall expire on the earlier of the rescission of Executive Orders 20-277 and/or 20-278 or 11:59 PM on November 26, 2020, unless extended by me.

Executed this 11th day of November, 2020.

DocuSigned by:

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Terry L. Rhodes, Executive Director
Florida Department of Highway Safety and Motor Vehicles