State of North Carolina

ROY COOPER
GOVERNOR

September 16, 2018

EXECUTIVE ORDER NO. 57

TEMPORARY SUSPENSION OF ENFORCEMENT ON CERTAIN REGULATIONS RELATED TO THE USE OF NONHIGHWAY DIESEL FUEL

WHEREAS, Hurricane Florence ("Hurricane") made landfall off the coast of North Carolina on or about 14 September 2018; and

WHEREAS, the Hurricane has caused significant damage to public and private property and has seriously disrupted essential utility services and systems; and

WHEREAS, the result of flooding associated with the Hurricane has created substantial risk for catastrophic flooding as the Hurricane moves inland; and

WHEREAS, North Carolina roadways, including the Interstate Highway System has been impacted by the Hurricane, requiring closures and detours at the direction of the North Carolina Department of Transportation; and

WHEREAS, impacts from the Hurricane constitute a State of Emergency, as defined in N.C. Gen. Stat. § 166A-19.3(1); and

WHEREAS, the undersigned issued Executive Order No. 51, declaring a State of Emergency on September 7, 2018, to provide for the health, safety, and welfare of residents and visitors located in North Carolina; and

WHEREAS, Executive Order No. 51 invoked the Emergency Management Act, and authorizes the Governor to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, the President of the United States issued an emergency declaration, FEMA-3401-EM, on September 10, 2018, for the State of North Carolina that provides, in part, for Public Assistance – Category B, including direct Federal Assistance to the State; and

WHEREAS, the President of the United States approved an Expedited Major Disaster Declaration, FEMA-4393-DR, for the State of North Carolina on September 14, 2018; and

WHEREAS, emergency response officials and personnel continue to make significant use of North Carolina roadways to reach Hurricane-effected areas; and

WHEREAS, in order to take care of important public safety requirements, the undersigned has made the determination that it is in the State's interest to ensure that diesel motor fuels be delivered to, and available in, areas impacted by the Hurricane.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED:**

Section 1.

The undersigned orders that documentation relating to diesel motor vehicle fuel licensing and excise tax requirements be waived to the extent necessary to permit diesel fuels used for nonhighway purposes (sometimes referred to as "alternative fuels" or "non-tax-paid fuels") to be used on highways.

Section 2.

The provisions in N.C. Gen. Stat. § 105-449.17 prohibiting the use of diesel motor fuel or alternative fuel in a highway vehicle that is licensed or required to be licensed under Chapter 20 of the General Statutes unless the tax imposed by Article 36C of Chapter 105, or Article 3 of Chapter 119 of the North Carolina General Statutes shall not be enforced, to the extent documentation of any tax or impost paid in advance of operating a vehicle with non-tax-paid fuel is required prior to operation of the vehicle.

Section 3.

To the extent required by the Internal Revenue Service, the provisions of 17 N.C. Admin. Code 12B .0503 ("Licensed Vehicles Using Dyed Diesel Fuel") are not to be enforced during the duration of this Executive Order.

Section 4.

This Order is effective at 5:00 pm on 16 September 2018 and shall remain in effect until rescinded or superseded by another applicable Executive Order. An Executive Order rescinding the Governor's Declaration of a State Emergency (Executive Order No. 51, 07 September 2018) will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 16th day of September in the year of our Lord two thousand and eighteen.

Roy Cooper
Governor

ATTEST:

Rodney S. Maddox
Chief Deputy Secretary of State