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Secretary of State
Tre Hargett

STATE OF TENNESSEE

# EXECUTIVE ORDER

BY THE GOVERNOR

No. 85

## AN ORDER TO PROVIDE RELIEF TO VICTIMS OF SEVERE WEATHER AND FLOODING IN TENNESSEE

**WHEREAS,** on August 21, 2021, severe weather, including record-breaking torrential rainfall and flash flooding, affected significant portions of the State and caused substantial damage and destruction, resulted in loss of life, and threatened public safety, and these severe weather conditions continue to affect the lives and property of Tennesseans; and

**WHEREAS,** at least seventeen (17) people have lost their lives as a result of this catastrophic weather event, and many others are injured or suffered significant property damage; and

**WHEREAS,** many residents of the affected areas have evacuated their homes or places of lodging and are seeking temporary refuge in other locations within the State; and

**WHEREAS,** the severe weather damage has especially impacted the operations of the Humphreys County School District by rendering multiple school buildings and school buses nonoperational; and

**WHEREAS,** local, state, and federal agencies and other organizations are engaged in relief efforts throughout the affected regions; and

**WHEREAS,** in response to the severe weather and flooding, the President of the United States has declared that a major disaster exists in Tennessee (declaration FEMA-4609-DR); and

**WHEREAS,** the severe weather impacts, as well as the relief efforts in response thereto, are expected to persist for several weeks.

**NOW THEREFORE,** I, Bill Lee, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and applicable law including Tennessee Code Annotated § 58-2-107, do hereby declare a major disaster and state of emergency

exist and direct and order the following, *nunc pro tunc* to 12:01 a.m., Central Time, on August 21, 2021:

1. The Commissioner of Education is directed to permit the Humphreys County Board of Education to implement its approved Continuous Learning Plan for the remainder of the 2021-2022 school year to allow the Humphreys County School District to continue instruction during the disruption to school operations created by severe weather and flooding in Tennessee, consistent with Tenn. Comp. R. & Regs. Chapter 0520-01-17.

2. The provisions of Tennessee Code Annotated, Section 49-1-104, are hereby suspended to the extent necessary to give the Commissioner of Education the discretion to waive the average pupil-teacher ratios and maximum-class-size limits in order to resume school operations in Humphreys County.

3. The provisions of Tennessee Code Annotated, Title 49, Chapter 5, and related rules regarding the issuance of temporary teacher permits, issuance of license endorsement exemptions, and the authorization of substitute teachers are hereby suspended to the extent necessary to give the Commissioner of Education the discretion to authorize available individuals to staff classrooms on a temporary basis in Humphreys County Schools.

4. The provisions of Tennessee Code Annotated, Section 49-1-905(c), are hereby suspended to the extent necessary to give the Commissioner of Education the discretion to waive the requirement that the Humphreys County School District administer a universal reading screener to students during each of three (3) administration windows established by the Department of Education.

5. All state agencies, especially the State Board of Education and the Department of Education are encouraged to take the impact of the catastrophic flooding in Humphreys County into account with respect to providing state services to the Humphreys County School District and to assist the District in resuming school operations as soon as practicable for the students of Humphreys County. In particular, the State Fire Marshal shall assist the Humphreys County School District, if necessary, to expedite inspections and approval of buildings to use as alternate temporary classrooms to ensure school operations resume as soon as practicable for the students of Humphreys County.

6. The Commissioner of Education, or the Commissioner's designee, and the Director of TEMA, or the Director's designee, are authorized to exercise authority on behalf of the Humphreys County School District pursuant to the District's existing contracts.

7. The provisions of Tennessee Code Annotated, Section 55-50-323, and related rules are hereby suspended to the extent necessary to give the Commissioner of Safety and Homeland Security the discretion to waive fees for duplicate driver licenses or

photo identification licenses issued to persons affected by the severe weather in Tennessee.

8. The relevant provisions of Tennessee Code Annotated, Titles 63 and 68, and related rules are hereby suspended to give the Commissioner of Health the discretion to allow a health care professional who is licensed in another state, and who would otherwise be subject to licensing requirements under Title 63 or Title 68, to engage in the practice of such individual's profession, if such individual is a health care professional who is assisting victims of the severe weather in Tennessee.

9. The provisions of Tennessee Code Annotated, Section 63-10-207(a) and (c), are hereby suspended to allow a pharmacist to dispense a 20-day supply of a prescription drug without proper authorization to victims of the severe weather in Tennessee, subject to all other provisions of Tennessee Code Annotated, Sections 63-10-207 and 63-1-164.

10. Any provision of the Tennessee Code Annotated and related rules that require Tennessee residency as a condition of eligibility to participate in programs administered by the Department of Health are hereby suspended to allow otherwise eligible evacuees from the severe weather to participate in such programs. These programs include but are not limited to the Special Supplemental Nutrition Program for Women, Infants and Children (Tenn. Comp. R. & Regs. Chapter 1200-15-2-.03), Renal Disease Program (Tenn. Comp. R. & Regs. Chapter 1200-11-1-.03), Hemophilia Program (Tenn. Comp. R. & Regs. Chapter 1200-11-2-.03), Children's Special Services (Tenn. Comp. R. & Regs. Chapter 1200-11-3-.03), and the Child Safety Fund (Tenn. Comp. R. & Regs. Chapter 1200-11-4-.04).

11. The relevant provisions of Tennessee Code Annotated, Title 56, and related rules are hereby suspended to give the Commissioner of Commerce and Insurance the discretion to direct Tennessee-licensed insurance companies to make reasonable efforts to assist policyholders who have experienced losses as a result of the severe weather in Tennessee. Specifically, where a delay in premium payment appears to be the result of a disruption to the mail delivery system or the policyholder's displacement due to the severe weather in Tennessee, the Department of Commerce and Insurance requests that insurers work with policyholders and take those circumstances into account before cancelling a policy and that insurers suspend cancellations or non-renewals of policies for non-payment of premiums for a period of at least sixty (60) days from the effective date of this Order for those policyholders who have suffered property damage, injuries, or loss of life as a result of these catastrophic events. The Commissioner of Commerce and Insurance has the discretion to allow an insurance professional who is licensed in another state and who would otherwise be subject to licensing requirements under Title 56 to engage in the practice of such individual's profession, if the individual is assisting victims of the severe weather in Tennessee.

12. The relevant provisions of Tennessee Code Annotated, Title 62, Chapter 6, Part 1, and related rules are hereby suspended to allow the Board for Licensing Contractors to temporarily license a person otherwise qualified to be licensed as a contractor without examination if the person provides sufficient proof, in the discretion of the Board or the Board's designee, that the issuance of the license is to assist victims of the severe weather in Tennessee and that the person to be licensed has sufficient experience and knowledge in the field of contracting in which the license will be issued to provide for the protection of the health, safety, and welfare of the public. Any applicable fees shall be prorated. Any such license shall not be eligible for renewal and shall expire six (6) months from the date of issuance.

13. The provisions of Tennessee Code Annotated, Sections 55-6-101(a)(4) and 55-6-104(a)(4), are hereby suspended to waive the fees due to the State and county clerk for the issuance of a duplicate title to replace a motor vehicle title that is lost or mutilated, pursuant to Tennessee Code Annotated, Section 55-3-115, for persons affected by the severe weather in Tennessee.

14. In accordance with Tennessee Code Annotated, Section 47-18-5103, it is hereby declared that the severe weather in Tennessee has resulted in an abnormal economic disruption, and therefore, persons are prohibited from charging any other person a price for the goods or services listed in Tennessee Code Annotated, Section 47-18-5103(a)(1), that is grossly in excess of the price generally charged for the same or similar goods or services in the usual course of business. Paragraph 14 of this Order shall remain in effect until 12:01 a.m., Central Daylight Time, on September 5, 2021.

15. The provisions of Tennessee Code Annotated, Section 55-4-401, through Tennessee Code Annotated, Section 55-4-413, Tennessee Code Annotated, Section 55-7-201, through Tennessee Code Annotated, Section 55-7-209, and Tenn. Comp. R. & Regs. 1680-07-01-.01 through Tenn. Comp. R. & Regs. 1680-07-01-.25 that set forth maximum weight, height, length, and width limitations are hereby suspended in the case of vehicles providing relief efforts in response to the severe weather in Tennessee, subject to the following conditions:

    a. A vehicle must be transporting emergency supplies, equipment, or mobile housing units to the impacted areas.

    b. A vehicle shall be permitted only to travel on (1) Interstate Highways; (2) highways on the National Highway System; and (3) other state-maintained highways and roads as may be required to respond to the severe weather emergency, without any restrictions on their time of movement except as may otherwise be provided in this Order.

    c. A vehicle may transport a divisible or non-divisible load up to a maximum gross vehicle weight of 95,000 pounds and a maximum axle weight of

20,000 pounds, except on any bridge or overpass with a lower posted weight limit.

d. The outer bridge span of any five-axle truck tractor/semi-trailer combination shall be no less than fifty-one feet (51').

e. The overall dimensions of a vehicle and load shall not exceed:

   i. One hundred feet (100') in length;

   ii. Fourteen feet, four inches (14' 4") in height on the Interstate Highway System, except on Interstate 55, and thirteen feet, six inches (13' 6") in height on Interstate 55 and any other highway on the National Highway System; or

   iii. Fourteen feet, six inches (14' 6") in width.

f. Vehicles that do not exceed ten feet (10') in width may travel seven (7) days per week during daylight or nighttime hours without any time restrictions.

g. Vehicles transporting FEMA or other mobile housing units exceeding ten feet (10') in width, but not exceeding fourteen feet, six inches (14' 6") in width, may travel seven (7) days per week during daylight or nighttime hours without any time restrictions except as follows:

   i. To promote public safety by avoiding "rush hour" traffic, vehicles shall not transport any load authorized herein between the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. (local time) Monday through Friday in Knox, Hamilton, Davidson, Williamson, and Shelby Counties.

h. Vehicles are responsible for ensuring that they have proper oversize load signs, markings, flags, and escorts as required by the Tennessee Department of Transportation's rules and regulations for overdimensional movements on Tennessee's roads, except that a contracted FEMA carrier may use a single escort to escort up to three (3) overdimensional loads.

i. This Executive Order shall serve as a special permit for transporting any load authorized herein. Transporters shall keep appropriate identification as designated by FEMA or their state of origin in their vehicle while transporting any load permitted by this Order and shall reference this Order as permitting such transports.

j. Any person, firm, company, corporation, or other entity that undertakes the movement of any overweight and/or overdimensional article and/or commodity on the highways of Tennessee shall hold Tennessee and its

officers and employees harmless from any claims for damages resulting from the exercise of any of the privileges granted under this Order and, to this end, shall carry liability insurance with an insurer, acceptable to the Tennessee Department of Transportation's Oversize and Overweight Permit Office, in the amount of not less than three hundred thousand dollars ($300,000) for each claimant and one million dollars ($1,000,000) per occurrence. The transporter shall carry the certificate of insurance in the vehicle at all times.

16. Any request by vehicles carrying appropriate identification designated by FEMA or their state of origin that are transporting emergency supplies, equipment, or mobile housing units in response to the severe weather in Tennessee for a special permit to transport loads in excess of the foregoing weight, height, length, and width limits or other restrictions shall be given expedited consideration and may be approved within the discretion of the Tennessee Department of Transportation's Oversize and Overweight Permit Office. The Commissioner of Transportation shall have the authority to waive any otherwise applicable permit fees related to such a request.

17. In accordance with 49 C.F.R. § 390.23 as adopted by Tenn. Comp. R. & Regs. 1340-06-01-.08, there is hereby provided a temporary exception from the federal rules and regulations in 49 C.F.R. Part 395 limiting the hours of service for the operator of a commercial motor vehicle providing supplies, equipment, personnel, and other provisions to assist persons affected by the severe weather in Tennessee, subject to the following conditions:

    a. Nothing in this Order shall be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. § 383, the financial requirements in 49 C.F.R. § 387, or applicable federal size and weight limitations.

    b. No motor carrier operating under the terms of this Order shall require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor carrier that he or she needs immediate rest shall be given at least ten (10) consecutive hours off-duty before the driver is required to return to service.

18. The provisions of Tennessee Code Annotated, Section 62-35-115, and related rules are hereby suspended to the extent that they would otherwise apply to non-resident security guards or security officers properly registered or licensed in another jurisdiction providing support to the areas affected by the severe weather in Tennessee; provided, that the following conditions are met:

    a. Such non-resident registered or licensed security guards or security officers are employed only within the areas affected by the severe weather in Tennessee; and

b. The employers of the non-resident licensed security guards or security officers provide to the Commissioner of Commerce and Insurance a list of the names, addresses, and social security numbers of all non-resident licensed security guards or security officers utilized under the terms of this Order.

19. The relevant provisions of Tennessee Code Annotated, Sections 62-6-102(4)(A)(i) and 62-6-103(a)(1), and related rules are hereby suspended in the case of persons engaging in storm damage cleanup resulting from the severe weather in Tennessee, provided that the person has sufficient experience and knowledge in the field to provide for the protection of the health, safety, and welfare of the public.

20. All state agencies are encouraged to work with persons adversely affected by a disruption to the mail delivery system or displacement due to the severe weather in Tennessee and to take those circumstances into account with respect to giving notice and providing state services.

Any law, order, rule, or regulation that would otherwise limit the enforceability of this Order is hereby suspended, pursuant to Tennessee Code Annotated, Section 58-2-107.

This Order shall remain in effect until 11:59 p.m., Central Time, on October 20, 2021, at which time the suspension of any state laws and rules shall cease and be of no further force and effect.

**IN WITNESS WHEREOF,** I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 25th day of August, 2021.

Bill Lee

GOVERNOR

ATTEST:

Tre Hargett

SECRETARY OF STATE