



# THE STATE OF GEORGIA

## EXECUTIVE ORDER

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BY THE GOVERNOR:

### STATE OF EMERGENCY FOR WINTER WEATHER

- WHEREAS:** The National Weather Service predicts that an Arctic blast will impact Georgia with frigid temperatures, beginning on December 22, 2022; and
- WHEREAS:** Projected precipitation on the evening of December 22, 2022 through the morning of December 23, 2022, followed by severe cold temperatures projected across the State beginning December 23, 2022 and continuing through December 26, 2022, creates the potential for black ice formation; and
- WHEREAS:** Wind gusts of more than 20 miles per hour are projected to accompany the cold front and may exacerbate potential property damage, including downed trees and powerlines; and
- WHEREAS:** Due to the possibility of black ice accumulating on roadways and low temperatures, this projected winter weather poses a danger to the people of Georgia; and
- WHEREAS:** Due to the low temperatures, the efficient transportation and supply of heating fuel is essential to maintain public safety; and
- WHEREAS:** Assistance from the State of Georgia is necessary to provide for the public's safety and mitigate potential consequences of this winter weather; and
- WHEREAS:** The Federal Motor Carrier Safety regulations, 49 C.F.R. § 390, *et seq.*, limit the hours that 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:** On April 14, 2022, due to the ongoing severe disruptions to Georgia's supply chain, I issued Executive Order 04.14.22.01, declaring a State of Emergency for Supply Chain Disruptions; and
- WHEREAS:** On May 10, 2022, I renewed the State of Emergency for Supply Chain Disruptions until June 14, 2022, by issuing Executive Order 05.10.22.01; and
- WHEREAS:** On May 26, 2022, I renewed the State of Emergency for Supply Chain Disruptions until July 14, 2022, by issuing Executive Order 05.26.22.01; and
- WHEREAS:** On July 1, 2022, I renewed the State of Emergency for Supply Chain Disruptions until August 13, 2022, by issuing Executive Order 07.01.22.01; and
- WHEREAS:** On August 3, 2022, I renewed the State of Emergency for Supply Chain Disruptions until September 12, 2022, by issuing Executive Order 08.03.22.01; and
- WHEREAS:** On September 1, 2022, I renewed the State of Emergency for Supply Chain Disruptions until October 12, 2022, by issuing Executive Order 09.01.22.01; and
- WHEREAS:** On October 3, 2022, I renewed the State of Emergency for Supply Chain Disruptions until November 11, 2022, by issuing Executive Order 10.03.22.01; and
- WHEREAS:** On November 4, 2022, I renewed the State of Emergency for Supply Chain Disruptions until December 11, 2022, by issuing Executive Order 11.04.22.01; and
- WHEREAS:** On December 8, 2022, I renewed the State of Emergency for Supply Chain Disruptions until January 10, 2023, by issuing Executive Order 12.08.22.01; and
- WHEREAS:** This Order shall create a coexisting state of emergency in the State of Georgia with the State of Emergency for Supply Chain Disruptions described in the immediately preceding paragraphs; and
- WHEREAS:** The responses by the State to this State of Emergency for Winter Weather and the State of Emergency for Supply Chain Disruptions should both proceed simultaneously, without one impeding the other; 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 in the State of Georgia due to the potential of severe winter weather affecting the State on December 22, 2022 through December 26, 2022.

**IT IS FURTHER**

**ORDERED:** That the State of Emergency declared by this Order shall coexist with the State of Emergency for Supply Chain Disruptions declared by Executive Order 04.14.22.01 and renewed by Executive Orders 05.10.22.01, 05.26.22.01, 07.01.22.01, 08.03.22.01, 09.01.22.01, 10.03.22.01, 11.04.22.01, and 12.08.22.01. The existence or termination of one shall not impinge the other.

**IT IS FURTHER**

**ORDERED:** That any orders derivative of or appurtenant to this Order addressing this State of Emergency for Winter Weather shall not infringe, overturn, or in any way amend any orders that have been issued for the purpose of responding to the State of Emergency for Supply Chain Disruptions declared by Executive Order 04.14.22.01 and renewed by Executive Orders 05.10.22.01, 05.26.22.01, 07.01.22.01, 08.03.22.01, 09.01.22.01, 10.03.22.01, 11.04.22.01, and 12.08.22.01.

**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, propane, and heating fuels. 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 Winter Weather 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 petroleum products, propane, and heating fuels, 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.

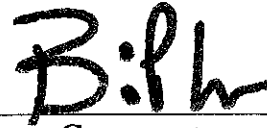
**IT IS FURTHER**

**ORDERED:** All provisions of the Order shall become effective upon signature and shall be valid for a period of six (6) days, expiring December 26, 2022, 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 21<sup>st</sup> day of December 2022.

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

**GOVERNOR**