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SECRETARY OF STATE
PUBLICATIONS

STATE OF TENNESSEE
EXECUTIVE ORDER
BY THE GOVERNOR

No. 7

**AN EMERGENCY ORDER SUSPENDING PROVISIONS OF CERTAIN LAWS
AND RULES IN ORDER TO PROVIDE RELIEF TO VICTIMS OF SEVERE STORMS,
FLOODING, AND WINDS IN TENNESSEE**

WHEREAS, since February 6, 2019, heavy rains, severe storms, straight-line winds, flash flooding, and severe river flooding have 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, to date, 83 of Tennessee's 95 counties have reported flooding and severe weather impacts, including Anderson, Bedford, Bledsoe, Blount, Bradley, Campbell, Cannon, Carroll, Carter, Cheatham, Claiborne, Clay, Cocke, Coffee, Crockett, Cumberland, Davidson, Decatur, DeKalb, Dickson, Dyer, Fayette, Fentress, Franklin, Gibson, Giles, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hardin, Hawkins, Haywood, Henderson, Henry, Hickman, Humphreys, Jackson, Jefferson, Johnson, Knox, Lake, Lauderdale, Lawrence, Lincoln, Loudon, Macon, Marion, Marshall, Maury, McMinn, McNairy, Meigs, Monroe, Moore, Morgan, Obion, Overton, Perry, Polk, Rhea, Roane, Rutherford, Scott, Sequatchie, Sevier, Smith, Stewart, Sullivan, Sumner, Tipton, Trousdale, Union, Van Buren, Warren, Washington, Wayne, Weakley, White, Williamson and Wilson Counties; and

WHEREAS, to date, 19 counties have declared countywide states of emergency, including Cheatham, Claiborne, Cocke, Cumberland, Decatur, Hardin, Hawkins, Lincoln, McNairy, Marion, Marshall, Maury, Moore, Overton, Sevier, Scott, Van Buren, Warren, and Wayne Counties; and

WHEREAS, to date, the Tennessee Department of Transportation has identified 232 locations in these 83 counties across the State where heavy rain and flooding has resulted in significant slope failures and impacts compromising traffic flow on state and federal highways in Tennessee and anticipates that additional locations and additional counties may be identified once the flood waters recede; and

WHEREAS, the Tennessee Department of Environment and Conservation is monitoring 25 drinking water systems in Tennessee that are providing status updates to the Department or have experienced problems, including loss of service, line breaks, and flooded source and treatment facilities, in Cannon, Carroll, Carter, Clay, Decatur, Dickson, Fayette, Franklin, Gibson, Hamblen, Hardin, Hawkins, Henderson, Humphreys, Knox, Lincoln, Maury, McNairy, Moore, Overton, Perry, Rhea, Roane, Sullivan, and White Counties; and

WHEREAS, local, state, and federal agencies and other organizations are engaged in flood relief efforts throughout Tennessee; and

WHEREAS, flooding and other severe weather impacts, as well as the relief efforts in response thereto, are expected to persist for several weeks; and

WHEREAS, Tennessee Code Annotated, Section 58-2-107(e)(1), provides that during a state of emergency, the Governor is authorized to “[s]uspend any law, order, rule or regulation prescribing the procedures for conduct of state business or the orders or rules or regulations of any state agency, if strict compliance with any such law, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;” and

WHEREAS, pursuant to this authority and the general emergency management powers of the Governor under law, the temporary suspension of selected state laws and rules is necessary to cope with the current emergency situation.

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 other applicable law, do hereby declare *nunc pro tunc* to 12:01 a.m., Central Standard Time, on February 6, 2019, a state of emergency exists and order the following:

1. 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 flooding and severe weather in Tennessee.
2. 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 flooding and severe weather in Tennessee, subject to all other provisions of Tennessee Code Annotated, Sections 63-10-207 and 63-1-164.
3. 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 flooding and 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).

4. 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 flooding and 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 flooding and 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 flooding and severe weather in Tennessee.
5. 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 flooding and 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.
6. 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 flooding and severe weather in Tennessee.
7. The provisions of Tennessee Code Annotated, Sections 62-13-104(b)(1)(C), 62-13-103(a), and 62-13-301, are hereby suspended only to the extent necessary to permit vacation lodging services licensed pursuant to Tennessee Code Annotated, Section

62-13-104(b), to engage in the business of providing the services of management, marketing, booking and rental of residential units owned by others as sleeping accommodations furnished for pay to persons providing relief services to persons affected by the flooding and severe weather in Tennessee or who are victims of the flooding and severe weather in Tennessee for periods longer than fourteen (14) days without the requirement that such vacation lodging services hold any other license with the Tennessee Real Estate Commission, be under the supervision of a licensed real estate broker, or hold a real estate firm license; provided, that sufficient proof of the status of each person providing relief services or who is a victim is maintained by the vacation lodging service and made available to the Tennessee Real Estate Commission upon request. All other provisions applicable to vacation lodging services, real estate firms, and real estate brokers remain in effect.

8. The Department of Safety and Homeland Security has the authority to waive any applicable fees under Tennessee Code Annotated, Section 55-50-323, and related rules for duplicate driver licenses or photo identification licenses issued to persons affected by the flooding and severe weather in Tennessee.
9. 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 flooding and 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.
10. All state agencies are encouraged to work with persons adversely affected by a disruption to the mail delivery system or displacement due to the flooding and severe weather in Tennessee and take those circumstances into account with respect to giving notice and providing state services.
11. This Order shall remain in effect until 12:01 a.m., Central Daylight Time, on April 7, 2019, at which time the suspension of any state laws and rules shall cease and be of no further force or effect.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 7th day of March, 2019.

Ben Lee

GOVERNOR

ATTEST:

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SECRETARY OF STATE

