

Executive Order No. 2015-10

WHEREAS, the State of North Carolina finds that the periods of extreme cold weather have increased for the demand for fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum gas to residential and commercial establishments, the uninterrupted supply of which is an essential need of the public during the winter, and any interruption in the delivery of those fuels threatens the public health, safety, and welfare; and

WHEREAS, the Governor of the State of North Carolina has suspended federal regulations limiting the hours operators of commercial motor vehicles may drive pursuant to the Federal Motor Carrier Safety regulations, 49 CFR § 390, et seq., and

WHEREAS, whenever a declaration of emergency is declared in North Carolina that triggers relief under 49 CFR § 390.23, an emergency must be declared in this State pursuant to Section 56-5-70(B) of the South Carolina Code of Laws.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina and of the United States of America, I hereby determine that an emergency exists in the State of South Carolina for the limited purpose of complying with the declaration of emergency in the State of North Carolina and accordingly direct the State Transport Police Division of the South Carolina Department of Public Safety as needed to suspend the federal rules and regulations that limit the hours of operation of commercial vehicles carrying fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum gas to residential and commercial establishments in North Carolina.

This emergency justifies a suspension of Part 395 (drivers' hours of service) of Title 49 of the Code of Federal Regulations for commercial vehicles responding to the emergency declared in the State of North Carolina. The suspension shall remain in effect for thirty (30) days or until the emergency condition ceases to exist, whichever is less.

With the exception of declaration of emergencies due to shortage of residential heating fuel, any suspensions under 49 CFR § 390.23 for commercial and utility vehicles, traveling on interstate and non-interstate routes, shall not exceed thirty (30) days unless extended for additional periods in accordance with 49 CFR § 390.25.

Nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 CFR § 383, the financial requirements in 49 CFR § 387, or applicable federal size and weight limitations.

This order takes effect immediately.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF SOUTH
CAROLINA, THIS 24th DAY OF
FEBRUARY, 2015.**

**NIKKI R. HALEY
Governor**