

Executive Order No. 2017-45

WHEREAS, the Governor of North Carolina has declared that an emergency exists in the State of North Carolina due to the effects of prolonged cold weather in North Carolina and other parts of the United States, causing a high demand for fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum gas to residential and commercial establishments; and

WHEREAS, the Governor 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; and

WHEREAS, South Carolina is forecasted to have the coldest weather in over two years; and there is an increase demand for fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum gas to residential and commercial establishments; and

WHEREAS, I have already received reports indicating wait times of up to 6 hours at terminals; and

WHEREAS, the uninterrupted supply of fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum gas is essential to the public during the wintertime, and any interruption in delivery poses serious risks to the health, welfare, and economic well-being of South Carolina citizens who depend on fuel.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby determine that an emergency exists in the State of South Carolina pursuant to Section 56-5-70(B) of the South Carolina Code of Laws. I hereby suspend of Part 395 (drivers' hours of service) of Title 49 of the Code of Federal Regulations. I further direct the South Carolina Department of Transportation and the South Carolina Department of Public Safety, and the State Transport Police as needed, to suspend the federal rules and regulations that limit the hours operators of commercial vehicles may drive, in order to ensure the uninterrupted supply of fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum gas needing to be moved on the highways of North Carolina and South Carolina to ensure the demand is met in both States.

Nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. § 383 or the financial requirements in 49 C.F.R. § 387.

This Order shall take effect immediately and shall expire in 30 days at 11:59 p.m. on January 28, 2018, as currently set forth in the emergency declaration in the State of North Carolina.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF SOUTH
CAROLINA, THIS 29th DAY OF
DECEMBER, 2017.**

**HENRY MCMASTER
Governor**