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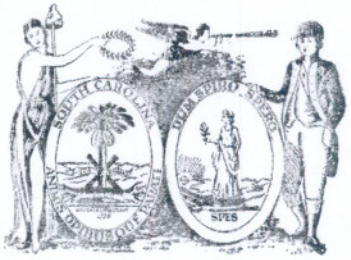
Mark Hammond
SECRETARY OF STATE 8

# State of South Carolina

## Executive Department



## Office of the Governor

**EXECUTIVE ORDER NO. 2011-02**

**WHEREAS,** the uninterrupted supply of fuel oil, diesel oil, gasoline, kerosene, and liquid petroleum gas (LPG) to residential and commercial establishments in an essential need of the public during the wintertime and any interruption threatens the public welfare; and

**WHEREAS,** the continued period of cold weather has increased the demand for the above-referenced fuels and threatened the uninterrupted delivery of those fuels to residential and commercial customers; and

**WHEREAS,** the Federal Motor Carrier Safety regulations, 49 CFR § 390, et seq., limit the hours operators of commercial motor vehicles may drive; and

**WHEREAS,** 49 CFR § 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,** S.C. Code Ann. § 56-5-70 requires that the Governor of South Carolina to declare an emergency for the purposes of suspending regulations pursuant to 49 CFR § 390.23 whenever a similar emergency is declared in North Carolina or Georgia; and

**WHEREAS,** on January 10, 2011, a state of emergency was declared in South Carolina due to severe weather and on December 13, 2010, a state of emergency was declared in Georgia for the purpose of suspending rules and regulations that limit the hours operators of commercial vehicles may drive, in order to ensure the uninterrupted supply of liquid petroleum gas throughout Georgia.

**NOW, THEREFORE,** pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina and the United States, I hereby

declare a State of Emergency for the purpose of suspending 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, and LPG throughout South Carolina. This emergency justifies a suspension of Part 395 (drivers' hours of service) of Title 49 of the Code of Federal Regulations. The suspension shall remain in effect for 30 days or until the emergency condition ceases to exist, whichever is less.

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.

**BE IT FURTHER ORDERED** that this Order does not suspend the operation of any state or federal laws or regulations within the State of South Carolina except as specifically described in the Order. All other laws and regulations remain in full force and will be enforced.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 14th DAY OF JANUARY, 2011.**

**NIKKI HALEY**
**Governor**

ATTEST:

MARK HAMMOND
Secretary of State