

FILED

State of South Carolina

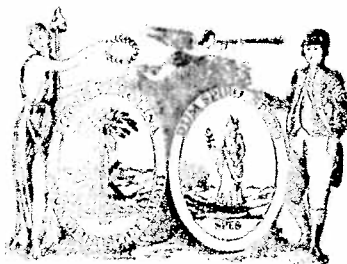
Executive Department

JAN 20 2010

Mark Hammond
SECRETARY OF STATE 8

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Office of the Governor

EXECUTIVE ORDER NO.

2010-02

WHEREAS, the uninterrupted supply of fuel oil, diesel oil, gasoline, kerosene, and liquid petroleum gas (LPG) to residential and commercial establishments is 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;

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;

WHEREAS, Executive Order 2010-01 declared a State of Emergency from January 6, 2010 until January 20, 2006 for the limited purpose of suspending the federal rules and regulations that limit the hours operators of commercial vehicles may drive to ensure the uninterrupted supply of fuel oil, diesel oil, gasoline, kerosene, and LPG throughout South Carolina; and

WHEREAS, an extension of the suspension of federal rules and regulations limiting the hours operators of commercial motor vehicles may drive is needed because the supply of fuel oil, diesel oil, gasoline, kerosene, and LPG throughout South Carolina has not adequately caught up to the demand for such fuel due to prolonged cold temperatures.

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 declare a State of Emergency for the limited 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 15 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.

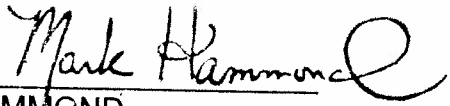
BE IT FURTHER ORDERED that this Order does not suspend the operation of any state or federal laws or regulations within the State of South Carolina except as specifically described in the Order. All other laws and regulations remain in full force and will be enforced



GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 20th DAY OF JANUARY, 2010.



MARK SANFORD
Governor

ATTEST: 

MARK HAMMOND
SECRETARY OF STATE