

State of South Carolina
Executive Department

FILED

DEC 14 2010

Mark Hammond
SECRETARY OF STATE 8



Office of the Governor

EXECUTIVE ORDER NO.

2010-18

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; 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 December 13, 2010, a state of emergency was declared in Georgia for 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 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 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 DECEMBER 2010.


MARK SANFORD
Governor

ATTEST:

MARK HAMMOND
SECRETARY OF STATE