State of South Carolina

Executive Department

FILED

JAN 15 2014

Mark Hammond
SECRETARY OF STATE

Office of the Governor

EXECUTIVE ORDER NO.

2014-04

WHEREAS, the uninterrupted supply of liquid petroleum gas 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 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 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 13, 2014, a state of emergency was declared in the State of Georgia for the uninterrupted supply of liquid petroleum gas, and the same is expected to be declared in the State of North Carolina on this day or soon thereafter.

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 liquid petroleum gas throughout South Carolina, Georgia, and North Carolina, and accordingly, I direct the South Carolina Department of

Transportation and the South Carolina Department of Public Safety, and the State Transport Police as needed, to comply with this order.

This emergency justifies a suspension of Part 395 (drivers' hour 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 effect and will be enforced.

This order supersedes Executive Order 2014-02 and takes effect immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 15th DAY OF JANUARY, 2014.

NIKKI R. HALEY
Governor

ATTEST:

MARK HAMMOND
Secretary of State