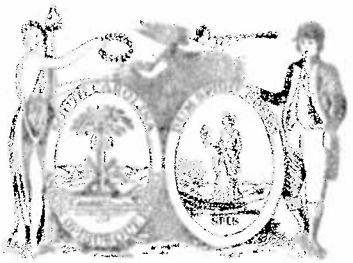
State of South Carolina
Executive Department

FILED

JAN 23 2014

Mark Hammond
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER NO.

2014-05

WHEREAS, due to the extreme cold experienced in the State of South Carolina from the polar vortex, I previously issued Executive Orders 2014-02 and 2014-04, to allow for the uninterrupted supply of liquid petroleum gas to residential and commercial establishments throughout the State of South Carolina; and

WHEREAS, due to the continued effects of the extreme cold weather in this State, the uninterrupted supply of residual oils for industrial use to commercial establishments is an essential need of the public during the wintertime and any interruption threatens the public welfare; and

WHEREAS, the Federal Motor Carrier Safety Administration, pursuant to § 390, et. seq. of Title 49 of the Code of Federal Regulations, limits the hours operators of commercial motor vehicles may drive; and

WHEREAS, § 390.23 of Title 49 of the Code of Federal Regulations and § 56-5-70(A) of the South Carolina Code of Laws 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.

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 residual oils for industrial use throughout South Carolina. 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. Pursuant to Section 56-5-70(D) of the South Carolina Code of Laws, the suspension shall remain in effect until 11:59 p.m. on Friday, February 21, 2014.

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 takes effect immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 23rd DAY OF JANUARY, 2014.

NIKKI R. HALEY
Governor

ATTEST:

MARK HAMMOND
Secretary of State