

EXECUTIVE ORDER NO. 41  
SUSPENSION OF RULES AND REGULATIONS  
LIMITING THE HOURS OPERATORS OF  
COMMERCIAL VEHICLES MAY DRIVE

WHEREAS, the North Carolina Emergency Management Act (Chapter 166A of the North Carolina General Statutes) authorizes and empowers the Governor to make, amend or rescind the necessary orders, rules and regulations within the limits of the authority conferred upon him, with due consideration of the policies of the federal government.

WHEREAS, the North Carolina Emergency Management Act (Chapter 166A of the North Carolina General Statutes) authorizes and empowers the Governor to deliver materials or perform services for disaster purposes on such terms and conditions as may be prescribed by any existing law; and

WHEREAS, the North Carolina Emergency Management Act (Chapter 166A of the North Carolina General Statutes) authorizes the Governor, with the concurrence of the Council of State, to procure, transport, store, maintain or distribute materials for emergency management without regard to the limitation of any existing law; and

WHEREAS, the uninterrupted supply of Liquefied Petroleum Gas (propane), kerosene and fuel oil to residential and commercial establishments is an essential need of the public during the winter and any interruption threatens the public welfare; and

WHEREAS, the continued period of cold weather has increased the demand for Liquefied Petroleum Gas, kerosene and fuel oil and threatened the uninterrupted delivery of Liquefied Petroleum Gas, kerosene and fuel oil to residential and commercial customers; and

WHEREAS, the Federal Motor Carrier Safety regulations, 49 CFR 390 through 399, limit the hours operators of commercial vehicles may drive; and

WHEREAS, 49 CFR 390.23 allows the Governor to suspend the rules and regulations limiting the hours operators of commercial vehicles may drive for the duration of the motor carrier's or driver's direct assistance in providing emergency relief, or thirty (30) days from the date of the initial declaration of the emergency, whichever is less, if the Governor declares a state of emergency.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and laws of the State of North Carolina, IT IS ORDERED:

Section 1. Carriers transporting Liquefied Petroleum gas, kerosene and fuel oil hereby are exempted from the provisions from Parts 390 through 399 of Title 49 of the Code of Federal Regulations as authorized by federal law.

Section 2. This exemption does not apply to carriers transporting gasoline or diesel fuel for highway use.

Section 3. This emergency shall not exceed the duration of the motor carrier's or driver's direct assistance in providing emergency relief.

Section 4. This executive order is effective immediately, and shall remain in effect until 5:00 p.m. Monday, January 27, 2003.

Done in the Capitol City of Raleigh, North Carolina, this the 24<sup>th</sup> day of January, 2003.

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Michael F. Easley  
Governor

ATTEST:

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Elaine F. Marshall  
Secretary of State