

State of North Carolina

ROY COOPER
GOVERNOR

DECEMBER 28, 2017

EXECUTIVE ORDER NO. 30

TEMPORARY SUSPENSION OF MOTOR VEHICLE REGULATIONS TO ENSURE ADEQUATE FUEL SUPPLIES THROUGHOUT THE STATE

WHEREAS, the uninterrupted supply of fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum gas to residential and commercial establishments is essential to the public during the wintertime, and any interruption in their delivery threatens the public welfare; and

WHEREAS, I have determined that a state of emergency in North Carolina exists due to the current and forecasted period of prolonged cold weather in North Carolina and in other parts of the United States, which has increased the demand for propane and other essential heating fuels; and

WHEREAS, this increase in demand for propane and other essential heating fuels threatens their uninterrupted delivery to residential and commercial customers, which thereby justifies an exemption from 49 C.F.R. Parts 390-399 (“the Federal Motor Carrier Safety Regulations”); and

WHEREAS, 49 C.F.R. § 390.23 allows the Governor of a state to suspend the Federal Motor Carrier Safety Regulations for up to thirty (30) days if the Governor determines that an emergency condition exists; and

WHEREAS, pursuant to N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.70, the Governor may declare that the health, safety, or economic well-being of persons or property in this State require that the maximum hours of service for drivers prescribed by N.C. Gen. Stat. § 20-381 be waived for drivers transporting essential fuels.

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

Section 1.

For purposes of this Executive Order, the emergency area is the entire State of North Carolina (“the Emergency Area”).

Section 2.

The North Carolina Department of Public Safety, in conjunction with the North Carolina Department of Transportation, shall waive the maximum hours of service for drivers prescribed by the Department of Public Safety pursuant to 49 C.F.R. Part 395 and N.C. Gen. Stat. § 20-381 in the Emergency Area.

Section 3.

Notwithstanding the waiver set forth above, the applicable size and weight restrictions and penalties for drivers are not waived.

Section 4.

The waiver of the Federal Motor Carrier Safety Regulations does not apply to commercial drivers' licenses and insurance requirements.

Section 5.

The North Carolina State Highway Patrol shall enforce the conditions set forth in Sections 2, 3, and 4 of this Executive Order in a manner that does not endanger North Carolina motorists.

Section 6.

Upon request by law enforcement officers, exempted vehicles must produce documentation sufficient to establish that their loads are being used to transport essential heating fuels or otherwise assist in the transport of essential heating fuels.

Section 7.

Pursuant to N.C. Gen. Stat. § 166A-19.23, this declaration triggers the prohibition against excessive pricing as provided in N.C. Gen. Stat. §§ 75-37 and 75-38 in the Emergency Area.

Section 8.

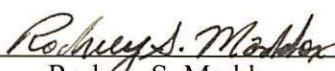
This Executive Order is effective immediately and shall remain in effect for thirty (30) days or the duration of the emergency, whichever is less.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 28th day of December in the year of our Lord two thousand and seventeen.



Roy Cooper
Governor

ATTEST:



Rodney S. Maddox
Chief Deputy Secretary of State

