## EXECUTIVE ORDER NO. 2002-39

**WHEREAS**, because of the effects of a winter storm in many counties, a state of emergency was declared, effective Wednesday, December 4, pursuant to Executive Order No. 2002-38; and

**WHEREAS**, this severe weather has downed trees, blocked roads, and created power outages in this State and neighboring states, requiring various motor carriers to operate extraordinary hours to assist and respond to those citizens and businesses affected by the storm; and

**WHEREAS**, Federal Motor Carrier Safety regulations, 49 CFR 395.3(b), limit the hours operators of commercial vehicles may drive; and

**WHEREAS**, 49 CFR 390.23 allows the Governor to suspend these rules and regulations limiting the hours operators of commercial vehicles may drive for 30 days if the Governor determines that an emergency condition exists.

**NOW**, **THEREFORE**, pursuant to the powers conferred upon me by the Constitution and Laws of the State of South Carolina and of the United States of America, I hereby declare a State of Emergency due to the inclement weather and the need to continue the uninterrupted supply of food and fuel and to otherwise assist those persons and businesses suffering from power outages. This emergency justifies an exemption from Part 395.3(b) of Title 49 of the Code of Federal Regulations as authorized by federal law. This emergency shall remain in effect until the emergency condition ceases to exist. Nothing herein shall be construed as an exemption from the Controlled Substances and Alcohol Use and Testing in 49 CFR 382, the Commercial Driver's License requirements in 49 CFR 383, the financial responsibility requirements in 49 CFR 387, or applicable federal size and weight limitations.

The provisions of this Executive Order shall remain in full force and effect until further order of this office.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 6th DAY OF DECEMBER, 2002.**

**JIM HODGES**
**Governor**

Last Updated: Tuesday, July 7, 2009 at 11:12 A.M.