

# State of North Carolina

**PAT McCRORY**

**GOVERNOR**

**September 15, 2016**

## **EXECUTIVE ORDER NO. 100**

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

**WHEREAS**, the uninterrupted supply of fuel oil, diesel oil, and gasoline, is essential for the health, safety or economic well-being of persons or property in North Carolina, and any interruption in the delivery of those fuels threatens the public welfare; and

**WHEREAS**, a temporary shutdown of a primary fuel pipeline, which may result in an interruption of the delivery of those fuels, justifies an exemption from 49 CFR Part 395 (Hours of Service of Drivers) under the Federal Motor Carrier Safety Regulations; and

**WHEREAS**, 49 CFR § 390.23 allows the Governor of a state to suspend the rules and regulations under 49 CFR Parts 390-399 for up to 30 days if the Governor determines that an emergency condition exists; and

**WHEREAS**, under N.C.G.S. §§ 166A-19.3(6), 166A-19.20 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.G.S. § 20-381 be waived for persons transporting essential fuels.

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

#### **Section 1.**

The 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 N.C.G.S. § 20-381.

#### **Section 2.**

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

#### **Section 3.**

The waiver of regulations under 49 CFR Part 395 does not apply to the commercial drivers' licenses and insurance requirements.

**Section 4.**

The North Carolina State Highway Patrol shall enforce the conditions set forth in Sections 1, 2, and 3 of this Executive Order in a manner, which will implement executive order without endangering motorists in North Carolina.


**Section 5.**

Upon request by law enforcement officers, exempted vehicles must produce documentation sufficient to establish their loads are being used for relief efforts associated with the temporary shutdown of the fuel pipeline.

**Section 6.**

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 15th day of September in the year of our Lord two thousand and sixteen.

  
Pat McCrory  
Governor



ATTEST:

  
Elaine F. Marshall  
Secretary of State