



STATE OF TENNESSEE  
**EXECUTIVE ORDER**  
BY THE GOVERNOR

Number 61

**AN ORDER DECLARING A STATE OF EMERGENCY FOR THE PURPOSE  
OF ENSURING THE UNINTERRUPTED DELIVERY OF HOME HEATING  
FUELS**

**WHEREAS**, ensuring an uninterrupted supply of propane, kerosene and heating oil is of critical importance, especially during the winter months; and

**WHEREAS**, the extremely cold conditions of the past week have resulted in increased demand for heating fuels and disruptions in supply at both the terminal and consumer levels that threaten to result in critical fuel supplies not being available to consumers during this unusually cold time period; and

**WHEREAS**, the provisions of Part 395 of Title 49 of the Code of Federal Regulations limit the hours that operators of commercial vehicles may drive; and

**WHEREAS**, Section 390.23 of Title 49 of the Code of Federal Regulations provides for the temporary suspension of these hours of service limitations when the governor of a state has declared the existence of an emergency; and

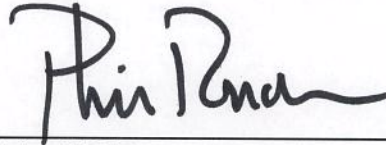
**WHEREAS**, the developing disruption in the supply of necessary heating fuels has resulted in my determination that a state of emergency currently exists in the State of Tennessee.

**NOW THEREFORE**, I, Phil Bredesen, Governor of the State of Tennessee, by virtue of the powers and authority vested in me by the Tennessee Constitution and law, including but not limited to Tenn. Code Ann. § 58-2-107(b), do hereby declare a state of emergency in Tennessee.

1. This state of emergency is being declared for the limited purpose of, in accordance with 49 CFR § 390.23 as adopted by Tenn. Comp. R. & Regs, Chapter 1340-6-1-20., providing a temporary exemption from the federal rules and regulations in 49 CFR, Part 395, limiting the hours of service for the operator of a commercial motor vehicle providing home heating fuels during this state of emergency.
2. Nothing in this Order 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.
3. No motor carrier operating under the terms of this Order shall require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor carrier that he or she needs immediate rest shall be given at least 10 consecutive hours off-duty before the driver is required to return to service.

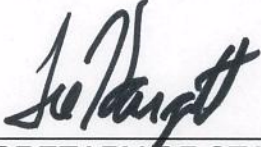
4. The exemption authorized in paragraph (1) shall remain in effect for fifteen (15) days or until the emergency conditions cease to exist.

**IN WITNESS WHEREOF**, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 8<sup>th</sup> day of January 2010.



GOVERNOR

ATTEST:



SECRETARY OF STATE

