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STATE OF TENNESSEE
EXECUTIVE ORDER
BY THE GOVERNOR

No. 35

**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 gas is of critical importance, especially during the winter months; and

WHEREAS, the extremely cold conditions of recent days have resulted in increased demand for propane, and disruptions in supply at both the terminal and consumer levels threaten to result in critical propane 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 propane gas has resulted in the determination that a state of emergency currently exists in the State of Tennessee.

NOW THEREFORE, I, Bill Haslam, Governor of the State of Tennessee, by virtue of the power 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, and in accordance with 49 CFR § 390.23 as adopted by Tenn. Comp. R. & Regs, Chapter 1340-06-01-.08, 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 propane gas 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 ten (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 thirty (30) 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 21st day of January, 2014.



GOVERNOR

ATTEST:



SECRETARY OF STATE

