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

No. 43

**AN ORDER DECLARING A STATE OF EMERGENCY FOR THE PURPOSE OF ENSURING  
THE UNINTERRUPTED DELIVERY OF FOOD SUPPLIES AND RESIDENTIAL,  
COMMERCIAL, AND INDUSTRIAL HEATING FUELS**

**WHEREAS**, ensuring the uninterrupted delivery of food supplies and residential, commercial, and industrial heating fuels is of critical importance, especially during winter storm conditions; and

**WHEREAS**, the winter storm and unusually cold conditions of recent days have resulted in hazardous travel conditions and increased demand for residential, commercial, and industrial heating fuels, and disruptions in the supply of food and residential, commercial, and industrial heating fuels at both the warehouse/terminal and retail/consumer levels threaten to result in critical food and residential, commercial, and industrial heating 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 food and residential, commercial, and industrial heating fuels has resulted in the determination that a state of emergency currently exists in the State of Tennessee.

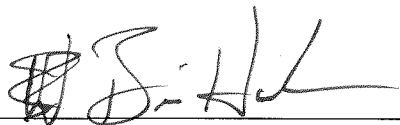
**NOW THEREFORE**, I, Bill Haslam, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and law, including but not limited to Tenn. Code Ann. § 58-2-107(b), do hereby declare a state of emergency in Tennessee.

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 food supplies and residential, commercial, and industrial 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 ten (10) consecutive hours off-duty before the driver is required to return to service.
4. The exemption authorized in paragraph one (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 18<sup>th</sup> day of February, 2015.

  
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GOVERNOR

ATTEST:

  
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SECRETARY OF STATE

